

FBI OVERSIGHT HEARING

HEARING
BEFORE THE
SUBCOMMITTEE ON
SECURITY AND TERRORISM
OF THE
COMMITTEE ON
THE JUDICIARY
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
SECOND SESSION
ON
OVERSIGHT ON THE OPERATIONS OF THE FEDERAL BUREAU
OF INVESTIGATION

FEBRUARY 4, 1982

Serial No. J-97-94

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1982

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FBI OVERSIGHT HEARING

THURSDAY, FEBRUARY 4, 1982

U.S. SENATE,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:20 a.m., in room 357, Russell Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senators East, Biden, and Leahy.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; and Fran Wermuth, chief clerk.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator DENTON. Good morning. This hearing on FBI oversight will come to order.

I welcome my colleagues, Senator Leahy and Senator East, and welcome my good friend, Director Webster, with whom I shared a table at the National Prayer Breakfast earlier this morning.

Today, pursuant to its responsibility, the Subcommittee on Security and Terrorism holds an oversight hearing on the operations of the Federal Bureau of Investigation.

Calendar year 1981 was a difficult year for law enforcement. Politically motivated bombings, murders, robberies, and the attempted assassination of our President taxed heavily the resources of the law enforcement community. Only last week, the brutal murder of a Turkish diplomatic guest in this country sent a signal that gives little comfort to those who hoped that 1982 would be a relatively peaceful or better year.

In light of recent events, and given the absence of indications that conditions are likely to improve, it is incumbent upon this subcommittee in fulfilling its mandate to examine closely and realistically all aspects of the performance of the Bureau. This includes primarily the priority areas of foreign counterintelligence, organized crime, white-collar crime and, of course, domestic terrorism.

In our examination, we are vitally concerned not only with the Bureau's strengths but also with its vulnerabilities which, like all bureaus, departments and individuals, it has. We trust this will insure that, when appropriate, adequate resources will be made available to the Bureau to enable it to carry out its mission. In addition, when necessary, we hope that suggestions for the restructuring of programs and priorities will receive serious consideration.

This subcommittee is committed to do all in its power to insure the FBI continues to be first among equals in the Federal law en-

forcement community, and that its quality and professionalism, long a part of the Bureau's traditions, will remain unimpaired.

With this as a background, the subcommittee welcomes today Judge William Webster, Director of the Federal Bureau of Investigation. We desire bipartisanly that you, Director Webster, view this body as an ally committed to preserving the excellence of the FBI and a committee with which you can be entirely candid and forthright.

I will ask my distinguished colleague from Vermont if he cares to make an opening statement. Senator Leahy?

STATEMENT OF SENATOR PATRICK J. LEAHY

Senator LEAHY. Thank you, Mr. Chairman, I would like to make a brief one, if I could.

If there is one issue that is raised by the constituents of every Senator in this room—yours, mine, Senator East's—it is the issue of crime and what we are doing about it.

These oversight hearings provide an opportunity that is rare, even in democracies, for a very direct involvement of the legislative branch in the policies that guide our law enforcement agencies. I can think of no more important duty that any of us have than to be here today.

But if it is the year for Congress to deal with the effects of crime in our lives and our culture, it is also the year of the shrunken budget and tightened belts. I am concerned about the collision of these two goals. Law enforcement is one area where government is absolutely indispensable, and where even the appearance of backing away from the war on crime can have the effect of a major retreat.

There is no way to combat street crime, or drugs, or organized crime and an explosion in juvenile crime by cutting the budgets of the major Federal agencies that deal with these problems. This is a time when State and local governments are trying desperately to improve their own capabilities to fight crime and build stronger and better societies.

The administration's reduction in proposed juvenile justice funds in the midst of this effort is a terrible blow. It is a signal to the States that promotion of the American family does not include reaching out to troubled youths and stopping career criminals before their careers begin.

The training of local law enforcement officials that is a cornerstone in the fight of violent crime is principally under State and local, not Federal jurisdiction. There would be no hope whatever under administration budget figures proposed last fall that there would be sufficient funding to carry this training on effectively. Nor do these figures leave room to provide for a significant coordination of Federal and local efforts.

The administration proposed last fall to reduce the FBI budget to approximately \$695 million—that is more than \$47 million below the budget proposed by President Carter.

I think that would have devastated the agency. If those cuts had been adopted, that would have meant a cutback of nearly a third in FBI investigations of gambling, prostitution, arson for profit, gangland murders, and pornography. It would have meant large re-

ductions in the funding for agent training, FBI labs, and fingerprint identification; and it would have meant a \$591,000 cut in money to combat terrorism at a time when terrorism is on the rise.

I wish I could say that one area has been spared severe cuts because it has come to be the nexus for all kinds of crimes in all parts of the country, and I mean, of course, drugs. The funds are so low at DEA that a Federal judge recently was forced to release a major drug suspect because DEA's New York office lacked the funds to send an agent to Florida to identify the suspect. This agency is reported to be keeping half of its vehicles garaged because of lack of funding for gasoline.

This really bothers me because, as a former prosecutor with many years of experience in Vermont, I must tell you that building the apparatus of enforcement, a climate of safety and civility in our communities, takes years of planning, it takes continued nurturing. You cannot turn law enforcement on and turn it off. I think we have to have a flow of full, strong commitment.

I think we are fortunate, Mr. Chairman, in this country to have as outstanding a director of the FBI as we do. I also want to make sure, however, that the FBI Director is not the only one down there. We have to make sure he also has the facilities to carry on with it, and we have to have a concern—as a Federal agency and as a Federal legislative body—that we are doing all we can to help the States.

I ask permission to have my whole statement made part of the record, Mr. Chairman.

Senator DENTON. It is so ordered.

[The prepared statement of Senator Leahy follows:]

PREPARED STATEMENT OF SENATOR PATRICK J. LEAHY

IF THERE IS ONE ISSUE THAT IS RAISED BY THE CONSTITUENTS OF EVERY SENATOR IN THIS ROOM AGAIN AND AGAIN, IT IS THE ISSUE OF CRIME AND WHAT WE ARE DOING ABOUT IT. THESE OVERSIGHT HEARINGS PROVIDE AN OPPORTUNITY THAT IS RARE EVEN IN DEMOCRACIES, FOR THE VERY DIRECT INVOLVEMENT OF THE LEGISLATIVE BRANCH IN THE POLICIES THAT GUIDE OUR LAW ENFORCEMENT AGENCIES. I CAN THINK OF NO MORE IMPORTANT DUTY I HAVE THAN TO BE HERE TODAY.

BUT IF THIS IS THE YEAR FOR ACTION IN CONGRESS TO DEAL WITH THE EFFECTS OF CRIME ON OUR LIVES AND OUR CULTURE, IT IS ALSO THE YEAR OF THE SHRUNKEN BUDGET AND TIGHTENED BELTS. I HAVE DEEP CONCERNS ABOUT THE COLLISION OF THESE LAUDABLE GOALS. LAW ENFORCEMENT IS ONE AREA WHERE GOVERNMENT IS INDISPENSABLE, AND WHERE EVEN THE APPEARANCE OF BACKING AWAY FROM THE WAR ON CRIME CAN HAVE THE EFFECT OF A MAJOR RETREAT.

THERE IS NO WAY TO COMBAT STREET CRIME, DRUGS, ORGANIZED CRIME AND AN EXPLOSION IN JUVENILE CRIME WHILE CUTTING THE BUDGETS OF THE MAJOR FEDERAL AGENCIES THAT DEAL WITH THESE PROBLEMS. THIS IS A TIME WHEN STATE AND LOCAL GOVERNMENTS ARE TRYING DESPERATELY TO IMPROVE THEIR OWN CAPABILITIES TO FIGHT CRIME AND BUILD STRONGER, BETTER SOCIETIES. THE ADMINISTRATION'S REDUCTION IN PROPOSED JUVENILE JUSTICE FUNDS IN THE MIDST OF THIS EFFORT IS A TERRIBLE BLOW AND A SIGNAL TO THE STATES THAT PROMOTION OF THE AMERICAN FAMILY DOES NOT INCLUDE REACHING OUT TO TROUBLED YOUTH AND STOPPING CAREER CRIMINALS BEFORE THEIR CAREERS BEGIN.

THE TRAINING OF LOCAL LAW ENFORCEMENT OFFICIALS IS THE CORNERSTONE OF THE FIGHT ON VIOLENT CRIME, WHICH IS PRINCIPALLY UNDER STATE AND LOCAL, NOT FEDERAL, JURISDICTION. THERE WOULD BE NO HOPE WHATEVER UNDER ADMINISTRATION BUDGET FIGURES PROPOSED LAST FALL THAT THERE WOULD BE SUFFICIENT FUNDING TO CARRY THIS TRAINING ON EFFECTIVELY. NOR DO THOSE FIGURES LEAVE ROOM TO PROVIDE FOR SIGNIFICANT COORDINATION OF FEDERAL AND LOCAL EFFORTS IN THE FIGHT AGAINST VIOLENT CRIME -- A SUBJECT I HOPE WE WILL EXPLORE THIS MORNING.

IT IS IMPOSSIBLE FOR ME TO RECONCILE THE ADMINISTRATION'S RHETORIC ABOUT FIGHTING CRIME WITH ITS ACTIONS. THE REAGAN ADMINISTRATION'S PROPOSAL LAST FALL TO REDUCE THE FBI BUDGET TO APPROXIMATELY \$695 MILLION -- MORE THAN \$47 MILLION BELOW THE BUDGET PROPOSED BY PRESIDENT CARTER -- WOULD DEVASTATE THE AGENCY. IF THOSE CUTS HAD BEEN ADOPTED, THEY WOULD HAVE MEANT A CUTBACK OF NEARLY ONE-THIRD IN FBI INVESTIGATIONS OF GAMBLING, PROSTITUTION, ARSON FOR PROFIT, GANGLAND MURDERS, AND PORNOGRAPHY. THEY WOULD HAVE MEANT LARGE REDUCTIONS IN THE FUNDING FOR AGENT TRAINING, FBI LABS AND FINGERPRINT IDENTIFICATIONS. AND THEY WOULD HAVE MEANT A \$591,000 REDUCTION IN MONEY TO COMBAT TERRORISM AT A TIME WHEN TERRORISM IS ON THE RISE.

I WISH I COULD SAY THAT ONE AREA HAS BEEN SPARED SEVERE CUTS BECAUSE IT HAS COME TO BE THE NEXUS FOR ALL KINDS OF CRIMES IN ALL PARTS OF THE COUNTRY, AND I MEAN, OF COURSE, DRUGS. BUT THE FUNDS ARE SO LOW AT DEA THAT A FEDERAL JUDGE RECENTLY WAS FORCED TO RELEASE A MAJOR DRUG SUSPECT BECAUSE DEA'S NEW YORK OFFICE LACKED THE FUNDS TO SEND AN AGENT TO FLORIDA TO IDENTIFY THE SUSPECT. THIS AGENCY IS REPORTED TO BE KEEPING HALF OF ITS VEHICLES GARAGED BECAUSE OF LACK OF FUNDING FOR GASOLINE.

I COULD GO FURTHER -- AND I INTEND TO DO SO. BUT THE MAIN THOUGHT I WANT TO LEAVE HERE TODAY IS THAT IT IS FRUITLESS TO OVERSEE THE EFFECTIVENESS OF AGENCIES WHOSE ABILITIES AND MORALE WE ARE SLOWLY STRANGLING.

IN A FEW DAYS, THE PRESIDENT WILL BE SENDING US HIS BUDGET PLANS FOR THE FBI FOR FISCAL YEAR 1983. HE SHOULD BE ON NOTICE THAT WE WILL NOT SIT STILL AND ACCEPT THE KINDS OF CUTS IN LAW ENFORCEMENT WHICH HE PROPOSED LAST FALL.

AS A FORMER PROSECUTOR WITH MANY YEARS OF EXPERIENCE IN VERMONT, I MUST TELL YOU THAT BUILDING THE APPARATUS OF ENFORCEMENT AND A CLIMATE OF SAFETY AND CIVILITY IN OUR COMMUNITIES TAKES YEARS OF PLANNING AND CONTINUED NURTURING. ONCE GONE, THEY WILL TAKE A VERY LONG TIME TO RESTORE.

Senator DENTON. I want to thank Senator Leahy for his concise opening statement and to remark for the record that of all my colleagues on the opposite side of the aisle, there is no more mutual respect shared between two individuals of another party. I consider the subcommittee very fortunate to have him as a member.

Senator LEAHY. Thank you, Mr. Chairman.

Senator DENTON. My next colleague, I have no bipartisan problems with at all. [Laughter.]

I respect him very much and ask the distinguished Senator from North Carolina, Senator East, if he cares to make an opening statement.

STATEMENT OF SENATOR JOHN P. EAST

Senator EAST. Thank you, Senator Denton. I will make it brief. I would just like to welcome Judge Webster. I deeply appreciate his coming over here and discussing these vital matters with us.

The point I would like to make in just the opening remarks, Mr. Chairman, is that I think a few years ago there was a tendency in the Congress and among a number of people holding public life to belittle and to berate the FBI and CIA. I really think there were some rather unwarranted assaults upon them, weakening their morale—candidly, I think in many cases weakening their capacity to perform effectively.

It is my judgment there is a changed attitude in this country, reflected in the Congress, with rising crime, the rising problem of terrorism in the world and potentially in this country, that we need an effective intelligence-gathering organization for domestic activities such as the FBI. We need it in foreign activities, the CIA, and both are vital components to protect us in our person, in our property—certainly, the most fundamental obligation of any government and certainly of the central national government.

So, I would like to put it this way, that I feel that I am a part of a sentiment in this Congress that looks upon your work as vital. We look upon you in a very positive and constructive way. You are not our antagonist; we are not trying to destroy, emasculate, belittle, or publicly embarrass you. We would like to do—at least I would—everything we can in our way. We may bumble now and then in the name of helping, we may hurt.

But what I would like for us to do is to approach your problems and your role in a positive and constructive way to see that you have the tools that you need. To do everything we can to help boost the morale of your organization because I feel very strongly it is indispensable to our country in terms of domestic problems of crime generally and terrorism in particular.

So, it is in that spirit that I welcome you this morning and look forward to working with you in any way that we can over the long term.

Thank you, Mr. Chairman.

Senator DENTON. Thank you, Senator East.

Director Webster, it is my intention now to swear you in, sir, as is traditional.

I ask you to raise your right hand. Do you swear that the testimony which you are about to give before this subcommittee will be

the truth, the whole truth and nothing but the truth, so help you God?

Mr. WEBSTER. I will.

Senator DENTON. Thank you, sir. Do you have an opening statement, Director Webster, that you would like to give?

TESTIMONY OF WILLIAM H. WEBSTER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. WEBSTER. Yes, I do, Mr. Chairman. May I say that your statement and the opening statements of Senator Leahy and Senator East were a big boost to me personally and to the Bureau, and indeed for all law enforcement. I thank you for that.

Mr. Chairman and members of the subcommittee, I am pleased to appear before you today to discuss some of the FBI's recent accomplishments and its future direction. In fiscal year 1983, the FBI will continue to emphasize its priority investigative programs directed against foreign counterintelligence, organized crime, and white-collar crime. In addition, we will be placing investigative emphasis on violent crimes within our jurisdiction and we will be working more closely with the Drug Enforcement Administration on drug matters.

Mr. Chairman, during this past year the FBI has achieved major accomplishments across the board in its investigative programs. I would like to highlight a few, primarily in our three priority investigative programs.

Although I cannot detail publicly the pervasive nature of hostile intelligence activities in this country and our successes in countering this threat, I would like to mention two cases that have received public attention.

You may recall the successful prosecution of an officer of the Polish Intelligence Service who was recently convicted in Los Angeles. This intelligence officer was convicted of espionage for illegally obtaining classified documents pertaining to weapons and radar systems from an employee of the Hughes Aircraft Co. He received a life sentence, and the Hughes Aircraft Co. employee, who pleaded guilty to conspiracy, received a prison sentence of 8 years and a \$10,000 fine.

In Jacksonville, Fla., a former U.S. Army warrant officer was sentenced to life imprisonment following his guilty plea to a charge of conspiracy to commit espionage. Our investigation revealed that in 1963 through 1964 he provided the Soviets with extremely sensitive information about cryptographic systems used in the mid-1960's by our military and diplomatic entities.

In FBI counterterrorism investigations, 10 members of the Croatian National Resistance movement were arrested and indicted on a variety of Federal charges. Seven members of the anti-Castro Cuban group Alpha-66 were arrested; six pleaded guilty to Federal violations. Charges are still pending against the seventh. Ten individuals were arrested because of their involvement in a plot to attack the Caribbean Island of Dominica in violation of neutrality, gun control, and munitions control statutes. Nine participants were convicted. One was acquitted.

Turning to our organized crime program, I am pleased to report that during calendar year 1981, 14 recognized "bosses" of the 25 traditional organized crime "families" were indicted or convicted. Included were the "bosses" of the New Orleans organized-crime family; the Columbo and Genovese families of New York; and the Buffalino family of Pennsylvania, who have all been convicted. Indicted were the alleged bosses of the organized-crime families in Boston, Detroit, Cleveland, Tampa, and Chicago. With regard to the Bonanno family in New York and the organized-crime families in Kansas City and Milwaukee, not only have the bosses been indicted but also the ruling hierarchies of these families. These accomplishments within that timeframe are unprecedented.

As you know, Mr. Chairman, the FBI is becoming increasingly involved in the investigation of narcotics violations. On January 21, the Attorney General announced a much closer affiliation between the FBI and the Drug Enforcement Administration and that the FBI will be given concurrent jurisdiction with DEA over drug offenses.

One investigation in our organized-crime program deserves particular mention. It is code named "Bancoshares" and was conducted jointly with the DEA by our Miami division. This investigation represented a coordinated probe of seven narcotics networks and the laundering of large volumes of money we believe were produced from illegal drug transactions. This investigation alone has led to 66 indictments, the seizure of seven airplanes, three residences, a 4,600-acre ranch and over \$1 million in cash, plus the freezing of bank accounts representing \$11 million. Trials resulting from this investigation are currently in progress.

Within the white-collar crime program, the FBI continues its efforts against public corruption. In the State of Oklahoma, 11 convictions and 152 plea agreements have been obtained against present and former county officials and vendors allegedly involved in kickbacks and illegal procurement arrangements. This case, code named "Corcom," has identified in excess of 300 subjects.

Our investigation code named "Applecore," conducted in cooperation with the Inspector General's Office of the U.S. Department of Agriculture, has resulted in 20 convictions of individuals and companies. They were convicted of conspiracy to defraud the Federal Government relative to the Summer Feeding Program for Disadvantaged Children in New York.

An area of great concern to me and to Members of the Congress is the fingerprint identification program. As you know, we were forced to suspend, on October 1, 1981, the processing of certain applicant and licensing fingerprint checks because of budgetary and personnel constraints. Our plan is to reinstate that processing beginning on October 1, 1982—this year—under a reimbursable funding arrangement.

I can assure you that we are doing everything possible in our power to reinstate this service as soon as possible. I might mention parenthetically that the turnaround time since October 1 of last year, 27 days, has already been reduced to 19.

Mr. Chairman, that concludes my opening remarks. I will be happy to answer any questions that you or any member of the subcommittee might have.

Senator DENTON. Thank you very much, sir.

I would ask as chairman that we make a general effort to use 10 minutes per Senator in our questions and answers on each round.

I would like to announce that we do expect our distinguished colleague from Delaware, Senator Biden, to appear and ask questions.

Before I begin my questioning, I want to indicate that staff consultation among the respective Senators has revealed that Senator Biden would like to concentrate on the area of drug enforcement. So, I will be deferring, for the most part, to him this morning on that subject; in the area of the FBI "Levi" guidelines, to Senator East who has indicated a similar preference for that subject.

Beginning with the subject of terrorism, Director Webster, you have stated that between 1980 and 1981 terrorist events have increased 50 percent, from 29 in the United States to 43.

How would you compare the types of incidents and their impact with terrorist incidents in prior years?

Mr. WEBSTER. Mr. Chairman, if we were to generalize I would say that there is a noticeable tendency for the acts to be more violent in relation to risk of human life, more purposeful in that direction.

Some of the actors have changed and some of the emphasis has shifted in terms of numerical statistics. But I think if I were looking for a common denominator I would say, we see an upping of the ante in terms of the degree of violence directed at human life.

Senator DENTON. I will be asking questions leading toward this general topic later, but would you care to comment on any trend that you may see regarding a coalescence or recoalescence of previously assumed unassociated groups; any coordination tendencies among them?

Mr. WEBSTER. You are speaking, I am sure, of what we would refer to as our domestic homegrown variety of terrorists.

Senator DENTON. Yes, sir.

Mr. WEBSTER. Most of the terrorist activities throughout the United States last year, numerically, were caused by groups that had foreign quarrels, foreign problems, foreign origins.

In terms of some of the old radicals by names that were familiar to us a decade ago, most of that came to a head with the Brinks robbery in New York which was followed by very intensive law enforcement efforts, well coordinated between Federal, State, and local law enforcement, and developed a number of subjects.

Over 11 people were arrested as a result of that one incident in which we found a number of people who were well known to us—many as fugitives—from past exercises and memberships in violent-prone organizations such as the Weather Underground, and the Black Liberation Army, and the Republic of New Africa.

There was, of course, a kind of uniqueness to this because with the exception of Marilyn Buck who is still a fugitive I do not believe we were generally aware of any past history of, as you say, coalescence or coordination between black dissident groups and the Weather Underground which was essentially a white male and female organization.

I can tell you that we are still heavily engaged in assessing and developing more information to be sure that our tentative and ini-

tial conclusions are correct. We have by no means closed the book on what we are finding.

We continue to find no evidence that the Weather Underground as an organization is still a viable group. What we do see is an indication that some of those who were members of that organization have shifted—it is a small and diminishing number of people—they have shifted to other interests or other names.

It may be a rose by any other name, but we have developed information about an organization not well known to us in the past, the May 19 Organization which draws its name, we believe, from Che Gueverra's birthday, and one other terrorist organization or man that I cannot think of right now, it will come to me in a minute.

But the organization seems predominantly female, the leadership seems to be female, and they have strong interests in advancing women's interests in one form or another in a revolutionary kind of rhetoric.

The Republic of New Africa has been around for some time, we have been aware of it. It does tend to engage in paramilitary training and in the past engaged in violent acts. As a matter of fact, when the arrests were made, considerable numbers of weapons were found near Jackson, Miss., some loaded and some loaded in automobiles outside.

To that we have the Black Liberation Army which continues to exist and is a matter of interest to us, and a number of the subjects of the Brinks robbery had past associations with the BLA.

There is some indication, Mr. Chairman, that there has been a concerted effort to draw a kind of "survivors' club" into something more effective. I cannot tell you what the objective is. I am not even sure that they had arrived at their objective.

It does appear that bank robbery, a violent crime, provided a mechanism for raising the money to provide, oh, I think we have identified about 16 safe houses or apartment places that were rented to this rather small group and others who came and went.

There are indications of connections with other groups like the FALN. When I say "groups" I have to be careful, individuals who are known to be members of these groups. There is no known coalescing of an ideological synthesis among these groups, nor do we have any sense that they have become effective.

In fact because of the good break and the professional way in which that break was acted on in the Brinks robbery, there are really very few of that nucleus of fugitives that we are still looking for. We did not discover any degree of recruits from the investigation thus far. We have found one professional bank robber who was probably there as a kind of consultant or assistant in raising money.

But it does not take many bank robberies to raise enough money to use for some unarrived-at purpose. It would have been \$1.6 million if that bank robbery had been successful, and there is reason to believe that they may have, within the past year, been responsible for bank robberies netting about \$900,000.

That is a rather long-winded answer of where we are, but I have to emphasize where we are. We continue to follow up on that and all the organizations that have survivor indications in it.

Senator DENTON. Well, it is a very revealing analysis because there were so many reports in the newspaper which indicate one thing or another. Here we are getting it from—if you pardon the expression—the “horse’s mouth” on the coalescence or lack thereof, and on the incompleteness of your own conclusions regarding the significance of some of the indications you have received lately.

Before I welcome Senator Biden I will go ahead and finish my share of the time on the questions.

I was very impressed when I visited your command center and would be curious to know how many of the 43 terrorist events occurring last year were the subject of the command center involvement?

Mr. WEBSTER. I do not have those figures. I was trying to look over some of the events. It would be nice if we were close enough to San Juan to be able to utilize it there because that has accounted for the bulk of the activity, 16 out of the 42 or 43 events—depending on how they are counted—had to do with Puerto Rican groups, both in this country and in San Juan.

We did use the command center in connection with the Brinks holdup for a sustained period of time, including a very elaborate and well-executed move on Jackson, Miss., when we had a safe house with intelligence information that a number of the fugitives were gathered there under a highly armed condition.

Groups have been known to have killed police officers in the past and we were adopting the “Eisenhower philosophy” that when you exercise military force or armed force in a potentially violent situation, be sure that you are in a position to succeed, and by doing so you will cut down the risk of unnecessary gunfire and other dangers.

As a result, no shots were fired and it was a successful operation. We needed the command center for that purpose.

Of course, the command center was in place within minutes after the shooting of President Reagan, and while that was not technically a terrorist incident as we define it, we certainly did not know what it was. The command center functioned throughout the investigation in a very important way in quickly gathering, coordinating liaison with Secret Service and the police, and other agencies. It is an extremely useful facility.

Senator DENTON. Thank you, sir. My time is up. I take this opportunity to welcome the ranking minority member of this subcommittee, our distinguished colleague from Delaware and my good friend, Senator Biden.

I have previously remarked that your special interest and expertise in the drug enforcement area has led to our deference toward you in that area regarding the questioning.

With that, I invite you to make any remarks you care to make, and then follow that by your questions.

Senator BIDEN. Thank you, Mr. Chairman, thank you for your kind remarks.

I have an opening statement. I ask unanimous consent that it be put in the record as if read.

Senator DENTON. So ordered.

STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Senator BIDEN. Judge Webster, I am certain it will not surprise you to hear that I am extremely interested in a number of matters which fall within your jurisdiction.

First and foremost I share with many of my colleagues a commitment to take whatever steps within our power to reduce the rate of violent crime in this country.

The FBI and the Drug Enforcement Administration play critical roles in this effort. The Drug Enforcement Administration undertakes foreign investigations to cut the drug trade at its source, and provides valuable training for State and local officials combatting the distribution of illegal narcotics here and at home. The FBI has among its main functions responsibility for infiltrating and destroying organized-crime families—the center of much of the drug distribution network.

Your efforts to reorganize the relationship between FBI and DEA deserves our careful attention and I must say I am pleased to see that the administration is finally focusing on this and other Federal law enforcement problems. However, I am concerned about this administration's commitment to law enforcement.

President Reagan recently tried to cut drastically both the funding and personnel of the FBI and the Drug Enforcement Administration. Those cuts would have seen the elimination of 434 positions at the Drug Enforcement Administration and a reduction by 340 of the number of FBI agent positions. He also proposed budget reductions which would have virtually eliminated the capacity of Federal law enforcement agencies to train police officials in Delaware and other States.

This administration must face the unfortunate reality that the progress in the fight against crime requires an appropriate commitment of Federal resources. Slogans and rhetoric are not reducing crime if through budget cuts you lack the means to do your job.

I believe that you also share my belief that violent crime is directly tied to the growing use of narcotics. This view is supported by a recent study by Temple University Medical School which found that 243 heroin addicts committed almost 500,000 street crimes in 11 years. Their research also showed that when these addicts were not dependent on heroin, there was an 84-percent decrease in criminality.

To date efforts to reduce or even slow the rapid volume of narcotics entering this country have been an abysmal failure. I am, therefore, hopeful that the DEA/FBI reorganization will at long last reduce the supply of narcotics in this country. I am sure that you will agree that simply combining DEA and FBI efforts will not result in increased resources in the Federal drug enforcement area. I found a recent New York Times editorial on this point entitled "Regrouping for the Drug War" that supported the DEA/FBI reorganization and noted that,

... If anyone can persuade Congress and the Reagan Administration to invest more heavily in drug enforcement, it is Mr. Webster, who enjoys universal respect. ...

You have both my respect and support.

I sincerely hope that we can work together to get you the resources you need to accomplish the enormous tasks before the FBI.

Since two of my colleagues have been waiting and may very well wish to follow up on the line of questioning they have already begun, I would be delighted to yield at this point.

After my colleagues have concluded, I am going to ask if you will help me focus, Judge Webster, on the recent decision to merge the FBI and DEA, and the impact of budget cuts. That is what I will be focusing my questions on.

But my colleagues have been waiting, so why not let me yield to them, Mr. Chairman.

Senator DENTON. I appreciate that and prefer that procedure. Then we will proceed as if you had not been here, and the ranking minority member for those purposes is Senator Leahy.

Senator LEAHY. Then let me say, Judge Webster, you heard my opening statement and the concern I had with the President's revised fiscal year 1982 budget request for the FBI.

We chose in the continuing resolution to restore the money that the President had cut out. I do not mean to put you on the spot, but this is the one time you can respond because we are asking the question. What did you think of the initial request with the cuts for the FBI?

Mr. WEBSTER. Well, I am a little at a disadvantage, Senator Leahy, because the President has not announced his final budget.

Senator LEAHY. I am talking about the revised fiscal year 1982 budget.

Mr. WEBSTER. Oh, for 1982, all right. Of course, we are grateful for the support of the Congress. The administration has a difficult task, it has to balance a lot of interests.

In the Justice Department we have an ongoing dialog because it does not do much good for us to generate 3,000 cases in Miami, as we have, without prosecutors and judges, and prisons to deal with them. I realize those problems.

The Attorney General advanced our cause before the OMB and I think that in the end everyone came to see that law enforcement truly is, if not the twin brother, certainly the first cousin of our national security interests.

If we cannot have an effective law enforcement system in this country, then it does not do us a lot of good to be worrying about the effectiveness of our national security from outside attack. They go together, in other words.

I have heard the President say about that much in New Orleans at the International Association of Chiefs of Police meeting. We realize that we are all on a shortfall on dollars. With lean organizations it is more difficult. We do not have a battleship to give up, but if we are cut we have to move pretty hard to replace it.

But I think we fared better than most Government agencies and I am grateful for that. I am appreciative of the support and understanding in the Congress.

Senator LEAHY. I asked the question because we may face it again next month. I do not know whether we will go through a continuing resolution or whether we will come out with an appropriation.

Mr. WEBSTER. I hope—if you will let me interject there—I hope the matter of a continuing resolution can be dealt with on an urgent basis because in the resolution is our authorization, the authorization to engage in necessary activities in furtherance of very important undercover work in foreign counterintelligence and organized crime. Without that authority we may be forced to stop, and again not only stop the progress but give away the activity.

Senator LEAHY. I am glad you mentioned that, and I hope that message will get across very clearly. I am concerned we sort of continue on with continuing resolutions because of unnecessary things that are tacked onto these appropriations. I would like to see an appropriation bill and an authorization bill.

I do not envy you in having to look at the congressional calendar each day and find out whether you are operating under specifics or you are having to guess another week or two, or month, ahead.

You know, violent crime worries all of us, whether we have been victims of it or not; whether we have been objects of violent crime or not. We have seen it touch everybody. I have seen it from my own neighbors and we have seen it straight through to the leader of our country, the President of the United States.

I would just like to talk a little bit about the FBI's involvement in the Atlanta youths murder case, the most publicized crime that I can remember in a number of years.

I think at one time you told the Congress that the Bureau had a tenuous jurisdiction under the Federal kidnaping statutes. On what basis did the Federal Government finally have the authority to investigate the Atlanta slayings?

Mr. WEBSTER. It was still kidnaping, Senator. I have to preface what I am going to say now by reminding you—and I am sure you are aware——

Senator LEAHY. The trial is still on.

Mr. WEBSTER. Pardon me?

Senator LEAHY. That the trial is still on?

Mr. WEBSTER. Not only is the trial still on, but the judge has issued a gag order prohibiting anybody involved from talking about the case.

I do not think there is a problem in talking about the jurisdiction, but I will have to stay out of the facts of the case.

At that time I said it was tenuous because none of the bodies had been found outside the State of Georgia, and in fact all of them were found in the Atlanta region. There had been no extortion demands which usually creates a presumption that will invoke the Lindbergh kidnaping statute.

The Civil Rights Division looked at the situation to see whether there was a basis for a civil rights investigation. There was none and, as you can see by what has happened, there really was no basis for that.

So, we hung in on the kidnaping statute and we followed it through. There was only one missing youth and the predicate which we used was that information about the other missing children might help us locate the missing youth.

Senator LEAHY. When former Attorney General Civiletti ordered the FBI as well as the Justice Department to offer cooperation to

the Atlanta police, was he ordering your agency to exceed its traditional jurisdiction?

Mr. WEBSTER. There are oftentimes when the discretion or judgment call has to take into account such technicalities. I think he was correct. Had the facts been other than they were in Atlanta due to resources and probabilities, we might very well not have gone in.

But I supported it. I think it was an important use of Federal resources to address what was essentially becoming—fast becoming—a national problem.

We not only had the problem in Atlanta and the great concern of citizens there that something might really be wrong down there, not just isolated criminal activity, but we also had the problem in Buffalo where there were known killings with clear racial motivation. We were investigating up there.

And we had what I call the belt of killings that started in Salt Lake City and worked their way across the center of the country, causing a great many people to wonder whether or not there was some massive conspiracy out there to do harm to blacks.

It was very important, it seemed to me, and a very appropriate use of our resources—and they were considerable—to give the support that we could.

We also have jurisdiction to support local law enforcement efforts in terms of technical assistance, which we provided early on, back in July—before the authorization to conduct a full investigative effort with our laboratory, Fingerprint Identification Division, and other technical services which have proved invaluable for purposes of the current trial.

Senator LEAHY. Thank you. My time is up. I will, on my next go-around, want to come back to this subject. However, I had forgotten about the gag order and appreciate your reminding me. I just realized that about 10 pages of questions have been chopped out. But I will come back with this in my next turn.

Thank you, Mr. Chairman.

Senator DENTON. Thank you, Senator Leahy. Senator East?

Senator EAST. Thank you, Mr. Chairman.

Judge Webster, we are on a very tight time schedule here—I know you are too. We have roughly 10 minutes rotation. As to all of our subjects here, obviously we could devote a tremendous amount of time to each and every one of them.

I would like to take the time that I have here, to raise this subject of the so-called Levi guidelines that have been in place since 1976. I know the Justice Department—at least supposedly—is reviewing these guidelines and considering possible revisions or leaving them as they are.

Let me just state my position quickly on it and I would appreciate your reaction to it. It may well be, Mr. Chairman, that at some later time we might want to have a hearing strictly on the subject of these guidelines because it is an important subject, it is intricate and obviously neither you nor I can resolve the issue here this morning in any satisfactory way. All I can do is really raise the issue.

But to me, as I look at these Levi guidelines, they really eliminate the effectiveness of the FBI to prevent certain kinds of con-

duct that obviously we want to prevent; namely the growing strength, utilization of terrorism in the world and potentially in this country.

Now, you mentioned for example the May 19 Communist Organization which was on the periphery of the Brinks robbery of last October 20.

Now, am I correct that that organization prior to the robbery was not under investigation by the FBI?

Mr. WEBSTER. That is correct.

Senator EAST. And I presume the rationale would be that since they had not engaged in actual violence or imminent violence, that they had merely engaged in rhetoric, they would not warrant being investigated under the Levi guidelines.

What I find troublesome there, looking at the rhetoric—I have a statement of their document, "What We Believe." May 19, by the way, is marking the birthdays of Ho Chi Minh and Malcolm X which is a telltale sign, I think, immediately.

They talk, for example, about "The oppressed nations within the United States are preparing themselves to wage full-scale people's war."—"Inside the United States wage full-scale people's war against the enemy that has entered its final decline." I presume we, the American people, are the enemy.

We are told on page 9, "Armed struggle is the fundamental tool." We are told, "The waging of armed struggle is the responsibility of all true revolutionaries, and so we commit ourselves to fulfilling our fundamental task to wage war against the enemy for the final defeat of U.S. imperialism."

One final quotation here just to get a flavor of this:

In Southern Africa, Puerto Rico, Iran, inside the United States the ultimate weapon to defeat U.S.-led imperialism is armed struggle and waging people's war. In our practice of solidarity with national liberation struggles we must address and build support for the armed vanguards of these movements.

I do not wish to overreact, but I am saying that I think a reasonable and prudent mind reading that kind of statement of principle would say maybe we ought to keep an eye on those folks because the potential for violence, terrorism, antisocial behavior, to put it charitably, seems to be inherent in the nature of the idea.

As a matter of fundamental first amendment rights and liberties, a set of guidelines that would allow the FBI to at least monitor and investigate that type of organization, I think, is fully consistent with any reasonable reading of the Bill of Rights.

I would argue that the civil right to be protected in your person and property is as fundamental as anything. When our major law enforcement organization under guidelines imposed by the Justice Department, the Levi guidelines, I gather, is unable to undertake an investigation of that kind of group, I think there is a fatal flaw there.

So my point, obviously I am uncomfortable with these Levi guidelines. What is the Justice Department doing right now, or the FBI, to evaluate these guidelines? Are they content with them?

Mr. WEBSTER. No, Senator, the guidelines are under evaluation. I have men, agents, assigned to review them and to discuss with the Department our concerns to be sure.

Guidelines are not locked in concrete, never have been. We are going to find out whether there are areas where we could have done the job better without damaging civil liberties. That is what we are looking for.

With respect to the May 19 Organization and the rhetoric that you referred to, I am not sure that I know the particular document, but I do know in general what you are talking about and I can only say that my reading of the Levi guidelines gives us authority to look into that situation because those who are issuing this call to arms, the individuals involved, have had a history and capability of putting something of a violent nature into effect.

So, I do not have any problem with that particular factual situation in arriving at least at authority for a preliminary investigation.

We have some concern with the guidelines and we are looking scrupulously now to see whether they can be better expressed. We would not want them to require us to investigate if nothing develops because a lot of these organizations—and we have had a lot of them through the years—love to engage in rhetoric but they do not do anything but let off steam.

Senator EAST. But one cannot know that, can one, unless one has the opportunity to investigate.

Mr. WEBSTER. We have that opportunity now.

Senator EAST. There is a problem of monitoring this kind of thing to get an overview of what sort of interrelationship or infrastructure there is.

I believe I am correct that one of the defendants coming out of the Brinks robbery was a member of this organization.

Mr. WEBSTER. That is correct.

Senator EAST. It occurs to me that if you look at the rhetoric of this kind of organization, commonsense would tell one that perhaps we ought to see what kinds of people are involved here and trace that out, and see what sort of interrelationship there is.

I am not trying to overact; what I am trying to suggest is, let's use a little commonsense about how terrorists, crime, and their interrelated activities are developed and evolve.

I feel in this age of increasing terrorism that you need to have an organization that has the tools so that it can have a full overview of this sort of activity. I think we owe it to the American people. I suspect if we could get them in the room here they would agree, "This is a good idea, we ought not let this kind of rhetoric and the people who sponsor it, who pronounce it and issue publications on it, be uninvestigated; we ought to keep our eye on it."

It is like an usher in the theater keeping an eye on those people who are playing with matches all the time. We are not trying to interfere with their right to light a match now and then, we just want to make sure they are not going to try to harm someone and burn the place down.

That is what troubles me, whether you have the adequate tool to keep an ongoing perspective on all of these organizations, and what interrelationship there is. We might have been able, for example—and my time is up—to have prevented something like the Brinks robbery.

I just think we ought to keep better tabs on these people.

Mr. WEBSTER. I would like to respond to a number of the points that you have made because they are on a lot of people's minds today.

First, I doubt seriously that we could say with confidence that we could have anticipated a particular bank robbery by a small cellular group—we might have, but I would say that is speculation.

Senator EAST. We certainly would have upped the ante of the possibility of doing it, whereas this way it was not under investigation and under the Levi guidelines could not be under investigation. So we would never know.

But I would rather err on the side of safety and prevention, and effectiveness, than simply to speculate or guess whether it might or might not have been effective.

Mr. WEBSTER. I think largely that the area to focus on the guidelines and on the problem really focuses on the threshold of investigative effort, and that we all could do some looking at.

My own view of it, and I think it reflects the views of the people at the Justice Department at the time—I do not know if there is any substantial difference now. What we are all looking for is criminal conduct. The question is whether or not words, unaccompanied by conduct, can be the subject of investigation.

I do not say there is a categorical "no" to that. To me words uttered by people who because of known activity in the past have the present capability of carrying that out, form a clear basis for an inquiry at least to see what is going on.

I think our society would say, you cannot have a perpetual investigation of anyone who publishes a violent tract. If we reach a point where we are unable to substantiate it at some lower level, we either close the investigation or we go back to receiving information when and as it comes to us.

What has bothered people in the past about intelligence gathering, as distinguished from criminal investigations, has been this idea that we will go into every organization just in case they might be saying something we do not like. We do not do that. We have rather limited resources, we quickly run out of people. The whole FBI is one-third the police force of New York City.

But I want to assure you that we do not use it as an excuse not to investigate organizations that are advocating violence in our society.

We probably should look for other examples because the May 19 example is one of new rhetoric, at least not available to us or known to us in the past. It was not a question of our having refused to look at the situation, we just did not have it.

We also have violent conduct. We have everything that I think is needed in the guidelines and can assure you we are doing our work in this area.

It is a problem, it bothers people that we will not get the information soon enough.

Now, penetration and infiltration is a law enforcement technique, it is one that we have to do from time to time, and I urge its use in appropriate places—title III wiretaps, the use of informants, the use of undercover operators are all necessary. But in our society we have to agree on what the solid basis for that type of activity should be.

I suggest that we are ultimately looking for criminal conduct. If we have a lead-in because someone is urging criminal conduct, we are entitled to make at least a threshold inquiry to see what it is.

Now, there is a lot of difference between that and saying, "Good, let us go penetrate that organization, let us find someone and send them in, and have them become members and spend the next 3 years saying whether they really mean it or not." It is a common-sense approach. What are we finding out about this.

Senator EAST. You feel the Levi guidelines as currently constituted, then, are adequate?

Mr. WEBSTER. We have been operating effectively under them but I think they could be improved. I think we are identifying some areas now where we are not certain that we can do what we believe we should do. I would focus primarily in the area of informant usage. If we have to close an investigation by definition, currently we close all the informant files.

I will give you an example. I think we should be able to find a way to continue to receive information—and that is different from penetrating an organization—but to be able to be in a position to see if anything changes. You have a marginal situation, the one you describe, that may turn from words to conduct. We would like to be there at that point in time.

But that does not mean that we should be in every school board to see if they should suddenly decide to become violent.

I think we have to be very careful that in this very sensitive first amendment area we do not pick and choose what we like to hear. What we have to look at is seeing, "Do these words indicate that a criminal activity is in the works?" If we can do that, fine. If we cannot do it, then we should change or modify our guidelines to make clear that we can and we will do it.

The guidelines are important to us for still another reason—I am sorry to be again lengthy in this but I think it is a very important area of discussion.

The guidelines are important to law enforcement because they tell us, if we function within those parameters, we will not be the subject of successful lawsuits and prosecutions.

My problem today is not unleashing the FBI, my problem is convincing those in the FBI that they can work up to the level of our authority. Too many people have been sued, too many people have been harassed and their families and life savings tied up in litigation and the threat of prosecution. So that we and others like us run the risk that we will not do our full duty in order to protect our individual selves.

So, we need clear-cut parameters of what we can do. Now, if those parameters cut off too soon or make it difficult to do our job, then we ought to change those guidelines. But we do need the guidelines.

Senator DENTON. I must say that in deference to the importance of this area of questioning, we have almost doubled the time allotted to a questioner. I assure the Senator from North Carolina that not only will he be permitted more rounds on this subject, but certainly a hearing on this important topic in the near future appears in order.

Senator Biden?

Senator BIDEN. Thank you, Mr. Chairman.

Judge, let me compliment you on that answer. I think you, from my perspective at least, have accurately staked out what the issue is.

I was very supportive of the Levi guidelines, although I acknowledge the need to continue to reevaluate any guideline. I think I have some sympathy with your concern regarding the requirement of keeping open informant files. The world has changed in 6 years.

But I am delighted that you pointed out that at least under most interpretations—clearly under mine—that the May 19 Organization could be subject to investigation under the guidelines based on the obnoxious rhetoric enunciated by this organization. That in and of itself would be enough even under the Levi guidelines for you to move.

But it leads me to the next question which I think is related.

All of us, myself included, are growing concerned about the growth of terrorist organizations. We wonder out loud whether or not they are somehow a united front directed by the Kremlin, or instead whether they are just isolated, single madmen who designate themselves a terrorist organization.

It really does not matter much if the end result is they blow up the World Trade Center. One person can do it or someone directed by Moscow can do it. Now, without getting into the question of who directs them and how, let us get to the question of priorities.

We are going to be asking you, as you have already figured out, to do more. We, the American people are going to ask you to do more with less money. You have 10 percent fewer agents today than you had 6 years ago—10 percent fewer. And the crime rate is significantly higher.

The consciousness of the need to move on violent crime, some of it beyond your capability because it is State related, is focused on you. You as well as your whole organization is put in the dubious position of having to suggest that, yes, you can do more with less, but remain consistent with the administration's budget picture.

Let us suppose the administration sends the Judiciary Committee and the Congress a budget similar to the one they sent in 1982. They wanted \$696 million and we frankly forced upon them \$739 million, an additional \$44 million.

Assuming Congress came back with a \$639 million number, or a comparable number, in cutting your budget. Can you do the job with less money?

Mr. WEBSTER. I do not think that is going to happen.

Senator BIDEN. Let's knock on wood.

Mr. WEBSTER. We have a big job to do. The only answer I can give in the situation in which I find myself is to say that we need every dollar that is allocated to us in the budget, and we will use it as effectively and hopefully more effectively in the coming year.

Senator BIDEN. With your budget, can you help the drug enforcement effort—not only as it relates to arresting the pusher on the streets of Washington, D.C., but the drug enforcement effort that is directed toward international drug trafficking, organized-crime networks, and the whole range of problems that bring about the pusher on the street in Washington, D.C., or Wilmington, Del., or

New York City. As you know, DEA's job has not been merely domestic.

They have been in Turkey, Afghanistan, the Golden Triangle, Sicily, in New York City, as well as Washington.

It is a potentially useful step that DEA have access to the expertise which your organization can provide. They need increased expertise in their investigative ability as well as their ability to follow dollars; their ability to deal with organized-crime units and the rest of the expertise the FBI has gathered over the years.

But is it possible, notwithstanding the combination of expertise we are bringing together here, to be able to do even as good a job as we are now doing if we cut either your budget or DEA's?

Do we need the combined level of money to continue to do the job we are presently doing, or are you going to be able to come before us a month from now and say, "Senator Biden, in light of the combination of the two efforts we have found 'efficiencies' in operation, allowing us to do the same for less"?

I realize I am putting you in a tough spot.

Mr. WEBSTER. I will not if I cannot.

Senator BIDEN. I will not press you beyond that. You mentioned the President's speech given in New Orleans.

I read the speech with great interest and I am not being facetious when I say, I thought one of the most descriptive rhetorical lines that I have ever heard relating to the issue before the American people was when the President stated—and I am paraphrasing.

"You," pointing out to the police officers in the meeting, "you represent a thin blue line that divides civilization from anarchy."

My concern is that the President's actions suggest that he does not think that line is thin enough because everything that has been done in the law enforcement area has made the line thinner.

There are fewer cops and more robbers. There are fewer agents and less coordination with the States.

Very bluntly, you are given more responsibility to coordinate, from drug enforcement efforts to bank robberies—you tried to move out of that realm in the past—with the States. Are you going to need more money to be able to effectively coordinate your efforts with the State organizations?

Mr. WEBSTER. Again, I do not know how the budget will read.

Senator BIDEN. Do you need more money than you have now?

Mr. WEBSTER. The President has the benefit of our best wisdom on the subject, and I think I should wait to see what the budget looks like.

Senator BIDEN. Well, Judge, although my time is up, I am going to come back to this budget matter.

I can assure you that you will have in this Senator—and I suspect probably every Senator at this table—a willing partner in carrying the fight that you might not be able to carry beyond what you have already done. So long as I am on this committee and in the Senate, minority or majority, I am going to attempt to do what I did in the Carter administration and in the Reagan administration, that is, forcing your organization to take more money.

I mean this sincerely. If there is any place in the Federal budget that warrants us spending more money, putting in more time, having more people, it is in the area of law enforcement. You sug-

gested a similarity between national and domestic security, I make no distinction.

It matters not to the man or woman in Washington, D.C., or Wilmington, Del., whether they are shot dead by a drug-crazed addict or whether they are shot dead from an airplane flown by a Russian pilot.

We do not address the problem of crime as it relates to national security. It is more pernicious a threat than threats to our national defense.

Before closing, let me reiterate my earlier point. We are going to be trying to give you more money. [Laughter.]

Mr. WEBSTER. Thank you, Senator. Let me say, the Attorney General has echoed your statements almost to the letter with respect to the national security comparison.

Senator BIDEN. Yes.

Mr. WEBSTER. I used the words "safe and free" in a number of my public statements. Safety and freedom are very treasured values in our society. We need law enforcement as well as we need a strong military defense in order to have them.

Senator DENTON. Thank you, Senator Biden. Since it is my turn again for questions, I cannot resist the opportunity to comment on several philosophical preferences expressed—pardon my expression—on my right. [Laughter.]

Senator BIDEN. Note that, Judge.

Senator LEAHY. That is the only time we are going to be to your right, Jerry. [Laughter.]

Senator DENTON. I do realize that whatever well-being our Nation may continue to have and to develop, the most fundamental fact we must keep in mind is that this well-being will not be possessed if our security means that our foreign enemies, the enemies of our security, rob this Nation from us.

I have in all of my efforts from podiums throughout the land echoed the same sentiments, expressed in the equation "free enterprise times compassion." I believe Ronald Reagan, like Franklin Delano Roosevelt before him, is basically addressing the same situation.

I believe that in F.D.R.'s time he had to insure through government that free enterprise or the capitalistic system be more moderate in terms of compassion. Today, we may have reached the point at which compassion has become misdefined, misapplied, but nevertheless remains essential.

President Reagan is confronting a revivification task with respect to free enterprise and a redefinition of the proper application of compassion.

At the same time, both Presidents recognized the preeminence, the transcendental importance of national security, and President Reagan is undertaking in the military area to increase real spending for what I consider to be justified needs. I believe the same need exists here. I have made that point with him, or tried to, and I have presented that same proposition to the audiences which it has been my privilege to address.

I turn now to the "Justice Commandoes of the Armenian Genocide" who have just claimed responsibility for the assassination of Mr. Kemal Arian. We have had previous hearings by this subcom-

mittee in which it has been no one's intent, much less conclusion, to develop the premise that the Soviet Union is directing or controlling all worldwide terrorism.

There have been headlines and television reports to the contrary, but that was never this chairman's belief, nor the belief of any witness who has ever testified before this subcommittee.

There has been an intent to look into—and I believe a firm establishment of the fact—that the Soviet Union has, to a degree which should come to public notice to raise public and governmental consciousness, supported, supplied, and generally encouraged terrorism of both the left and the right; and in no country has that been more evident than in Turkey.

We have had a hearing with Turkish witnesses, as well as private talks with Turkish officials, which tragically substantiate that fact.

The left- and right-oriented terroristic groups in Turkey have presented a carnage so recent in history that historical awareness in the United States has not caught up with it. But it is an experience of which we had better become more aware because it is occurring elsewhere with a great communality of technique, with much adherence to commonly developed and Soviet-supported operational techniques, training and so forth.

Prior to the assassination of Mr. Kemal Arıkan, did the FBI have this group under active investigation? What did that investigation encompass, if you had one? Did you have the group, Justice Commandoes of the Armenian Genocide, identified and pretty much being tracked?

Mr. WEBSTER. Yes. The answer is yes. As you know and as you mentioned, Mr. Chairman, there are two or three groups and we are confronted with those groups with what we sometimes refer to as red terrorism and black terrorism.

Senator DENTON. Right.

Mr. WEBSTER. This group has been a problem for us. They have taken credit, or at least someone has taken credit for it in the usual way, through the media. We do have an individual under arrest and they are searching for his partner in the criminal activity.

The Armenian groups have become more active. I think I mentioned recently in summing up the nature of terrorist activity in this country as I saw it, they accounted for 6 of the 42 incidents last year. They are particularly difficult groups because they relate to, or at least profess to relate to, a 1915 atrocity.

So, there is an element of revenge. Others say, arguably, they are looking for a free nation. But that involves a part of Turkey and a part of Persia and I think realistically that is more rhetoric. There is more vindictive terrorism here.

We are following it. I have stayed in close touch with Ambassador Elekdag and others in relation to our activities out there and in efforts to protect and assure that the Turkish diplomats avail themselves of protection that the cities in which they serve are prepared to provide for them.

It is a regrettable development. It is an outgrowth of, as I said before, of foreign disputes. It does not in any way in my view reflect the general attitude of the large Armenian communities on

the west coast which are responsible, law-abiding citizens—very similar in some respects to the high level of violence. This has been a very violent group. There were serious attempts to kill people and a successful attempt last week.

It is similar in some respects to the small group in Puerto Rico that has been responsible for deaths and injuries, and extreme damages in terms of property, the destruction of \$50 million worth of National Air Guard airplanes by the Macheteros, for instance.

From all the reports and the best intelligence that we can gather, the entire independence movement in Puerto Rico represents less than 3 percent of the total population of that Commonwealth—and that does not mean that all independence-minded people are violent. It is a small, dedicated group.

As we move closer to some of these groups, we find historically they become more violent. The smaller the group, the more violent it becomes. This has been the pattern in Europe with Baader-Meinhof and, to some extent, the Red Brigades. But I think particularly Baader-Meinhof, as they have shrunk the group, they become more violent. They lose members as they become more violent because the members are not buying that kind of activity. But still, they go on.

Senator DENTON. Was the Armenian Genocide group penetrated? Would there have been expectation from the depth of the penetration, that one might be able to anticipate and perhaps prevent the assassination?

Mr. WEBSTER. I do not think so on this particular case. We are going to have a closed session and some of these details will probably be better addressed there because I do not want to disclose sources and methods.

In many of these organizations, foreign derivatives, we have a considerable volume of source information, that is informants. We are not likely to have penetrations by undercover agents in these groups which are cellular, very violent, and they soon identify our people. We have in some cases been successful in doing that.

We have utilized, where appropriate, court-authorized electronic techniques once we have the information in order to develop it.

If I could shift gears for just a minute and point out one of our successes in a similar terrorist group. I mentioned in my opening statement Croatsians.

The Croatsians have no quarrel with the United States, they want separation or independence from Yugoslavia. Over the years, when I first came to Washington, we identified them as one of our three top troublemakers in terms of numbers of bombs—they were expert bombmakers. They did a lot of damage but not many people got killed.

They took over the West German Consulate in Chicago; they had another incident, I believe, as I recall, in Puerto Rico and in New York. Then they began to turn on each other, the more violent, the more dissident began to turn on the less dissident and we were, through intelligence information, able to get very close to those organizations by a process of intelligence; by a process of electronic technique; by even aerial surveillance we were able to wrap up that group.

As I recall from last year, they only accounted for one violent incident while they were good for several in previous years. We can be effective against these organizations and we intend to be effective against them.

Senator DENTON. Thank you, Judge Webster. Senator Leahy?

Senator LEAHY. Thank you, Mr. Chairman.

Judge Webster, back on the question of the Atlanta murders.

I am going to, if I may, Mr. Chairman, submit for the record a series of questions regarding the Atlanta murders.¹ I would ask if there are any questions that would be outside the gag order, if they could be answered now. If there are others that are within the gag order, if they could just be held in abeyance and answered, even if the gag order does not come off for 6 months or 1 year.

Mr. WEBSTER. Fine. I would be happy to.

Senator LEAHY. I do have some concern, and if this also goes in the gag order I will let you make the determination of that.

I saw an article in the New York Times last summer. I remember seeing it first in my home in Vermont and cutting it out at that time. The headline is, "Atlanta officials hint that FBI mishandled lead in city's slayings."

There are other similar articles. I realize this was a time of high tension. This was prior to the actual arrest. I am sure you are aware of the comments that came out of Atlanta at that time.

Has there been a review done internally in the FBI, a review of the handling of the agents assigned to the Atlanta case?

Mr. WEBSTER. If you mean a formal inspection review as such, I would have to say no. With every incidence of published criticism by an unnamed official, we followed through to find out exactly what was happening. We had headquarters officials in Atlanta working with the special agent in charge.

I think one has to recall the enormous pressure on law enforcement at that time. Media publicity, media attention was pervasive, demanding instant explanations. Everything was happening under the glare of television cameras.

I do not think I can comment on the overall performance, or should, in terms of the gag order. The case is going to trial now. Much of what was said at that time by unnamed critics is being answered in the courtroom on a daily basis—why the defendant was not arrested at the time.

That type of situation has been, I think, clearly answered. The forensic evidence that is coming in is another answer. Without violating the gag order, I think I can say that to me one answer was that in October, when I was in Atlanta, I was made an honorary citizen of Atlanta by the mayor and awarded on behalf of the Bureau a certificate of appreciation by Commissioner Lee Brown of the Department of Public Safety for what the FBI had done to help in that area. That answered the question for me.

Senator LEAHY. They probably did not want you to leave.

Well, Judge, I ask the question because I am well aware of my own experience in far less publicized cases, how there can be enormous pressure, "Why do you not have an arrest?" I have felt that

¹ See question and answer section, p. 95.

pressure. Anybody who has been in law enforcement for any period of time at some time has had cases like that.

So, maybe I may ask a followup question. Once the case is over, would it be normal procedure that the Department would have a review of your agents' performance in the case, or would that be as the sort of ongoing review that would be done anyway? Would there be a specific one in this case?

Mr. WEBSTER. I cannot really answer that question. I think probably most of the work has already been done and the Department already has the answers to some of the questions that were raised.

Part of the confusion, I suppose, that resulted in some of the criticism is indigenous to the problem you raised in the first instance, that of jurisdiction. This was a tenuous jurisdiction for kidnapping, is a clear jurisdiction for homicide and therefore the ultimate decisions, prosecutive decisions, et cetera, had to be made at the local level and not by the FBI.

So, you had these things going back and forth. But in terms of real cooperation, in terms of really working together and providing federalism at its best, I think this is going to turn out to be pretty good.

Senator LEAHY. Do you feel some of the criticism that arose regarding the stakeout of the Chattahoochee River, the bridge over it, do you feel that criticism was justified, some of the criticism leveled back last summer at the FBI?

Are we into the gag order?

Mr. WEBSTER. I think we are into the gag order.

Senator LEAHY. I will save that for the submitted questions.

Just one last area, Mr. Chairman. At an earlier time you and I had discussed an inquiry made last summer regarding allegations of FBI agency misconduct in the Pine Ridge Indian Reservation. Without going through the whole case, I received in January a major report back from you.

On another matter, I had submitted some questions in February of last year and received a response in late July.

Mr. WEBSTER. I apologize for the delay. It was a big question, though.

Senator LEAHY. I understand. I might ask just as a matter of procedure if we could work out with some of your people, if there is anyone you would like us to work with, to find to get quicker responses—if we might talk about whether the questions need better definition, or whether there could be interim responses and so on.

I will submit further questions for the record on that, but I would like to repeat, one of the questions I asked you last summer—what steps have been taken, what steps are now underway with the FBI, regarding constitutional rights and liberties of persons living on Indian reservations.

Mr. WEBSTER. I would be happy to supply that for the record, Mr. Chairman. Your question, as you know, related to what is for me at least some ancient history, although I was on the bench at the time that some of those cases came along and saw some of them coming along on appeal.

In the interim I could cite to you the Red Lake incident when one group of Indians in that reservation burned down the public

buildings and the other groups asked that the FBI come on the reservation and conduct an investigation.

I think that is more indicative of how we are regarded on the reservations today than the ancient history of several years ago.

Senator LEAHY. I realize these things were prior to when I was a Senator, just as they were before you were FBI director.

Mr. WEBSTER. Excuse me for interrupting you, but it is also a problem in answering the questions because most of the people at headquarters were not around when those things took place. All we are doing is looking at our files, there is no real institutional memory on some of those incidents.

Senator LEAHY. You know, we discussed this whole question of law enforcement so much this morning, and I am sure we will be discussing it a lot more.

If I could just make a personal observation, Mr. Chairman. I am delighted you are having these hearings because I think in many ways the most satisfactory time that I have spent in public life was when I was a prosecutor. I felt that if anything I had as close an opportunity to actually protect the people I was serving than I have ever had before or since. You are involved in a very direct line.

Senator Biden and the chairman, and Senator East and others have stated, "Crime strikes us all." Again, as Senator Biden mentioned, if you are shot in the streets here or anywhere else you are just as dead, no matter where else it came from.

I think in this country we have to be aware of that. We have the dual roles of a great tradition of protecting people's constitutional rights, and I was delighted with your statements in regard to the Levi guidelines. We do have this concern of making our country safe.

I do not envy you your job. I do not envy the job of anybody in law enforcement. I think it is becoming increasingly difficult, even in a State like mine. In Vermont, violent crime has skyrocketed in the past few years.

I hope you know that there is strong bipartisan support for law enforcement efforts. I hope that you will not hesitate to speak as frankly as you have here today any time you come up to the Senate.

Mr. WEBSTER. I appreciate that, Senator.

Senator DENTON. Senator East?

Senator EAST. Thank you, Mr. Chairman.

Judge Webster, I think in the hearing this morning which by necessity has to be brief and general, I think we have brought out a couple of points which are bipartisan, which I think is healthy.

Getting back to the point I was making earlier, certainly Senator Biden brings out an excellent point, that you need the financial resources to do your job. My reason for pursuing the Levi guidelines is to make sure once you have the money, that you have the investigative tools to use the money invested effectively to protect the American people.

I appreciate the chairman's willingness to have separate hearings at some point in the near future on this matter of the Levi guidelines. With just 10 minutes remaining for me, I will not pursue the substance of that problem.

I would appreciate just a brief answer, then I have two other quick questions I would like to ask you just of a procedural nature, on the Levi guidelines.

Senator DENTON. Excuse me, Senator East, if I may interject a question of Judge Webster.

Sir, will your time demands permit staying as late as 12:25?

Mr. WEBSTER. I am at your disposal, Mr. Chairman, I have no problems.

Senator DENTON. Fine; otherwise, I had intended to limit it to 3 minutes per Senator after the next round. But proceed, Senator East, please.

Senator EAST. We can pursue it at a later time. I am just curious, you were suggesting that on the basis of the rhetoric that I read from the "principles of unity" of the May 19 Communist Organization, this publication published early in 1979, National Office, Box 613, Van Brunt Station, Brooklyn, N.Y. 11215.

You are saying that on the basis of the guidelines as they already exist you could investigate this group. Am I understanding you correctly?

Mr. WEBSTER. I am saying on the basis of the guidelines as they exist, and as I interpret them, that we could conduct a preliminary inquiry based upon what was there and what we know about who was saying those things.

Senator EAST. But you had indicated earlier in fact that was not being done.

Mr. WEBSTER. No. No, I hope I did not indicate that.

Senator EAST. You say they were being investigated?

Mr. WEBSTER. Well, we normally do not identify the organizations, but I said we were doing what we should be doing and I saw no reason why we could not conduct an investigation on the basis of what you said on the identity of the people involved with the association.

Senator EAST. Well, we get into an interesting area here and I do not, certainly, question at all what you are conveying to me. That is why I think subsequent hearings will be helpful to me.

The Levi guidelines seem to be rather clear in what is required and what is forbidden, and you say we need these parameters. But when we get into specifics and concretes such as this organization I have trouble getting a handle on whether the FBI could not or could, or was or was not.

It strikes me either these guidelines do allow or do forbid, and either this organization was or was not, or this kind of organization could or could not be investigated.

Apparently it was not, or if it was, obviously it had not turned up information that would suggest what these kinds of people might be doing or were capable of doing. That they might have been a part of a growing fabric.

The Levi guidelines, as we noted earlier, do prevent you—and it is a solid parameter that is why you like it—they do prevent the FBI from investigating an organization based on rhetoric.

Mr. WEBSTER. Well, I do not like it because it prevents me from doing something.

Senator EAST. The individuals involved committed violence or are about to commit violence.

Mr. WEBSTER. Yes.

Senator EAST. That gives you a clear-cut standard.

Mr. WEBSTER. Yes.

Senator EAST. I am just questioning whether it ought not to be a standard that allows greater flexibility where you are getting this kind of rhetoric from an organization and its membership, whether that ought not to be if not a green light, certainly a very strong caution light that we have problems.

Yet, as I understand the Levi guidelines, I mean, either they do mean something or they do not. I do not know if we can have it both ways.

As I understand it, under the Levi guidelines you could not, or at least were not investigating this kind of organization. Rhetoric alone is not enough.

But I would submit, rhetoric in certain contexts is a proper light, caution light, to begin to see where this is leading—might lead.

If the Levi guidelines are cloudy on that point—let us just say they are cloudy on the point—I think we ought to remove the cloud. I do not think the FBI ought to be skittish. They may feel more comfortable in a bureaucratic sense that, "Guys, we do not have to worry about that, see, we have the guidelines."

I am not so much concerned about the bureaucratic comfort of the FBI as I am that they have the responsibility and the tools because I trust you, and them, and the Justice Department, to go out and find out whether this is leading, could lead, or might lead to something.

I know my time is running out, two final questions. Again, you do support the guidelines you currently understand. You are relatively comfortable with them as they currently stand.

Mr. WEBSTER. Relatively comfortable but believe they can be improved, and we are working on that.

Senator EAST. Let me ask you in my final question, please, is it possible for you to say—perhaps you do not know and I would understand that—is the Justice Department and the FBI, either or both, currently undergoing an investigation to determine whether they ought to be modified or revised?

Mr. WEBSTER. Yes.

Senator EAST. That is now being undertaken.

Mr. WEBSTER. Yes.

Senator EAST. Do you have any idea when we might anticipate a decision on that?

Mr. WEBSTER. I do not know. I would think in the foreseeable future. We have been having discussions. The Justice Department has been informed on our views. These tend to be ongoing dialogs. I think we should see something in the present year.

Senator EAST. Has there been a set time where the Justice Department in conjunction with the FBI would indicate whether they are or are not going to make any changes?

Mr. WEBSTER. It is really up to the Justice Department. We have not asked them to set a time.

Senator EAST. And they have not themselves imposed a time, to your knowledge.

Mr. WEBSTER. No.

Senator EAST. Thank you, Mr. Chairman.

Senator DENTON. Senator Biden?

Senator BIDEN. Thank you.

I am anxiously and looking forward to that hearing. I would expect that whatever recommendations, Judge, that you, the FBI and/or the Justice Department might make with regard to changing the Levi guidelines would be in fact discussed with this subcommittee prior to that happening I assume, I hope.

Mr. WEBSTER. Yes. I do not see any problem with that. You identified our main area of concern. I think once we look into an organization because of something that appears to be happening and find nothing to support it, we have to decide—both from the standpoint of constitutional interest and resources—whether we are just going to keep on probing and probing an organization, or whether we are going to be in a position to know that it is there and watch for anything that comes our way and not get into the intrusive techniques and other very expensive and intrusive methods.

So, I would like to be more comfortable that we can preserve our sources of information and not have to close them out formally, and we are working on that part. That is very important.

Senator BIDEN. Well, I think the key phrase is "commonsense."

Mr. WEBSTER. Commonsense.

Senator BIDEN. Not only in deciding whether the threshold required to investigate was reached, but second deciding after looking at it, whether it warrants you using intrusive means to infiltrate the organization.

I sympathize with Senator East's concern about rhetoric, how it can in fact be dangerous enough on its face to warrant us looking into it. Quite frankly I do not know how you can remove any restrictions. Once you remove the restrictions I can think of some very legitimate political organizations that you would be entitled to investigate; organizations, both left and right, talking about the need to overthrow liberal influences.

Does that mean if I were Director of the FBI that I could investigate some of the rightwing or leftwing legitimate organizations in this country? That is something of a rhetorical question.

Senator EAST. Would the Senator yield for a question?

Senator BIDEN. Sure.

Senator EAST. The comparison I would make, Senator—I do not think that is appropriate simply using the word "overthrow" in the sense of through the democratic process. We should change that when you talk about armed struggle.

Senator BIDEN. I agree.

Senator EAST. For example, if I threatened the life of the President of the United States and it is purely rhetorical, that is a Federal crime; is it not?

Senator BIDEN. I agree.

Senator EAST. People are not expected to go around lightly saying, "I am going to shoot Ronald Reagan today," because we are fed up to the gills with that kind of rhetoric and the kind of mind set it represents.

When you lower it just to this point of armed struggle against the American people, I think they ought to be protected, too.

It is that kind of rhetoric. I think the quality of the rhetoric and the context and the nature of it should be allowed to trigger in and

of itself an investigation. But the Levi guidelines will not allow that by definition.

Senator BIDEN. If that was directed at me and not Judge Webster, I would suggest to you, the Levi guidelines do allow that, that certain rhetoric can and is able to trigger such a threshold investigation.

I was responding to the comment of removing any cloud. Your question recognizes a distinction. That is, where do we draw the line? Some instances call for action that is on its face illegal—to kill—to have an armed uprising, to assassinate.

Getting into the gray area, what happens when you have a black liberation group calling for the overthrow of—and they do not say anything else, they just say “overthrow.” They do not say “physical overthrow,” they do not say “electoral overthrow,” they use the phrase “overthrow.”

That is where we get into a gray area. This is where the need for commonsense must prevail.

I was only suggesting that you cannot in my view—having looked at this for some time—eliminate all the clouds. Understandably then there is no black and white.

We do not disagree that when someone suggests they are going to assassinate the President, or assassinate a senator, or an FBI director, or call for an armed overthrow of the Government of the United States, that this matter be investigated.

I believe it should be investigated, and I further argue the Levi guidelines allow that threshold investigation.

In the remaining few minutes, I want to discuss international drug trafficking.

I realize we are bouncing you all over, Judge, on the various issues—but are there any reviews currently under way in the administration on the U.S. international narcotics intelligence collection process and programs?

One of the criticisms that I have had and many have had on both sides of the aisle of DEA and of the last administration and this administration is that it has been difficult to find a policy that calls for implementing specific steps or procedures for dealing with international drug collection information.

With the “merger of responsibilities,” is there an attempt to enunciate a policy?

Mr. WEBSTER. Well, on an internal operative basis Acting Administrator Mullen has already moved to realign the intelligence apparatus within DEA to be more closely attuned to the investigative and law enforcement mission, rather than to be a duplication of some of the economic, political, positive intelligence-gathering functions of the Central Intelligence Agency.

In terms of the international thrust so as to define a policy, the Attorney General heads an interagency committee which will be functioning shortly. Within the Department of Justice we have a committee which is concerned primarily with domestic issues but includes the full gamut of prosecutive activity.

Senator BIDEN. Let me stop you there, if I may. I am not trying to be argumentative. I believe the root of the problem has been, that in the past we have not had sufficient coordination—not

merely between DEA and FBI, but Coast Guard, Treasury, the White House, the State Department, et cetera.

Mr. WEBSTER. I could not agree more.

Senator BIDEN. Will this policy that Director Mullen is enunciating require you as the Director to sign off? I am trying to clarify the lines of authority in this new merger.

Mr. WEBSTER. We need—as someone said in some other area—we need a little time to honeymoon. We have had 6 months of pulling together, bringing some of the FBI perspective and professional standards into play. Now we are making serious moves which Administrator Mullen is discussing with me.

I cannot answer the specific question of the bureaucratic signoff procedures. I am aware of the major changes that are being made and am supportive of them. The Attorney General, the Associate Attorney General, are aware of them.

What I cannot really answer at this point is to give you a blueprint for the two areas that are just as vital as the responsibility that has been assigned to the Bureau and to DEA, and that is the development and implementation of a firm policy abroad with respect to a simple principle.

Our friends do not ship narcotics and drugs to the United States or permit them to be shipped. The middle ground has already been addressed. The President has taken steps to modify the posse comitatus order.

As a matter of fact, at 11 o'clock today at the Coast Guard, the Attorney General is announcing the results of a very important joint operation utilizing Coast Guard facilities at Timeron III, and how effective that has been.

We are going to see more of this. I will be personally involved in helping encourage and achieve some greater interdiction assistance from the Navy and from the Air Force, all of which has been promised. Now we have to make it work. Everybody is looking at the dollars.

I look at it beyond the dollars to the advantages of the military assisting the training and the utilization. The Coast Guard has very severe problems right now, economic problems, problems of old equipment. We need a whole range of help.

But we are addressing the big picture, if that was really the question.

Senator BIDEN. It is, Judge. I am going to—with the permission of the chairman—submit to you in writing questions that relate to the specific organizational framework of the new arrangement.

Mr. WEBSTER. Fine.

Senator BIDEN. I would suggest to you that as a member of the Intelligence Committee since its inception, I am fully aware of the reluctance of the intelligence community to accord international drug trafficking priority.

They have other things happening so there is a reluctance to be directly involved. There is even a greater reluctance on the part of the State Department to be involved. Those who get educations at foreign policy schools of America somehow think that they should carry only SALT treatise in their briefcases and efforts to deal with drug trafficking are sidestepped.

Inevitably, you are going to be faced with a great deal of problems and countless attacks because the public at large now thinks, "Well, the FBI is in it, things are going to get better."

Unless there is a coordinated body, or an individual who can in fact somehow figure out the mechanical problems—for example, how we share with you, the FBI, the international intelligence information relating to an international drug trafficking ring that has its base in an organized-crime family in New York City, but also is operating out of Sicily, that is in the process of shipping tens of billions of dollars worth of refined heroin to the United States. Will our intelligence-gathering information and involvement be confined to domestic as opposed to foreign operations?

There are few mechanical problems that are awesome in terms of attempting to solve them. I urge you to look as closely as you can at, "Who will call the shots?"

Mr. WEBSTER. I think you will be interested in our answers to those questions because many of them have already been addressed, we are down the road.

Senator BIDEN. At this time we are going to move from this problem of international drug trafficking and international terrorism to the simple problem of solving the question of the Middle East at a luncheon with Mr. Mubarek this afternoon.

I thank you for your time. I look forward to your answers to these questions. If we could get an outline of the answers, I would appreciate it very much.

I thank the chairman.

Senator DENTON. Thank you, Senator Biden.

I am going to defer on that luncheon in order to remain until 12:25 myself.

I may surprise you in stating this, but I happen to agree with you in a statement you made on ABC Television on January 3, 1982, in response to some question about what you consider to be the principal security threat to the United States from the perspective of your jurisdictional responsibility.

You stated:

Well, of course you have the traditional sources of information, traditional espionage, military secrets, matters of that kind. But fundamentally in this area we are not talking about terrorism. Fundamentally, I think, the major thrust today in Soviet and Soviet-bloc countries is technology transfer.

Let me say, as an observer of security questions for over 35 years, I do consider technology transfer in its past, current, and future impact to be—at least insofar as U.S. security is concerned—a much greater threat and subject for concern than terrorism within the United States. I totally agree with you on that.

On the other hand, I would qualify that statement by saying that, worldwide, I believe terrorism is an extremely important subject which we must understand.

In that vein, and realizing that the KGB is involved in both activities, would you provide an assessment of the extent to which the KGB and its proxy services, such as the DGI in Cuba and the intelligence service of in East Germany, operate in the United States and Puerto Rico?

Just any general comment that you care to make.

Mr. WEBSTER. Mr. Chairman, the activities of hostile intelligence-gathering organizations from hostile countries, or traditionally hostile countries, continue to increase in the United States.

In terms of the percentages of diplomatic representatives with intelligence training, it is getting almost pervasive, between 30 and 40 percent of Soviet and Soviet-bloc countries have representatives who have been identified as having intelligence-gathering responsibilities.

The effort is, as you pointed out, to gather not just military information but also proprietary information, secret, classified information that can be obtained because we have so many contracts with private enterprise that have classified information out there in their trust and in their care, working in that way.

Senator DENTON. May I interject a remark here to kind of piggy-back on what you are saying since I am also a member on the Armed Services Committee? The military implications of some of these technology transfers—even the legal ones—are incredible in the national defense area.

One example, and this is a phenomenal example. One firm in the United States made a few million dollars by selling to the Soviet Union not only the technology involved for the ball bearings required for use in the guidance system of ICBM's, but also the mass production techniques by which those ball bearings could be produced.

That 5 million dollars' worth of profit to that private corporation has cost us hundreds of millions of dollars so far in our effort to offset and overcome the benefit the Soviets received from this transaction. I want to state that for the record.

Mr. WEBSTER. Yes. I do not think you can make that distinction. If I could say this. We are concerned with the illegal activities, the attempts to take proprietary information, embargoed information out in diplomatic pouches, by other techniques.

But the public source availability in an open society is so great that in addition to ordinary covert intelligence activities, we are confronted with a very heavy effort to develop any kind of information.

It might be of interest to the chairman to know that this morning there was an official of the Russian Embassy present at these hearings. I do not criticize that, I think it is one of the glories of our society that we can live as a free society and defend ourselves.

But we ought to know that that interest is there and that effort is there. If we look at the *Bell* case, the *Hughes Aircraft* case on the west coast, we see successful recruitment. We are proud that we were able to interdict it, but we have to recognize that a lot of secrets went out for a lot of money before we could find them. We find the *Helmic* case is another example; the *Geider* case, the Belgian over here. There are several examples that show this tremendous interest in gathering at any cost information that is our strength.

We are outgunned, we are outmanned, but we do have a technological advantage that we must protect.

Senator DENTON. For your information, I am interested in seeing a project undertaken in which NATO develops a set of principles by which we can examine the security results and the overall net

advantage or disadvantage to the West and its allies of specific commercial transactions with the Soviet Union and other Communist bloc nations.

We have no handle on this. As you indicate, you have a certain responsibility. We have Commerce and Customs involved also but among our allies there is no consensus or common policy. For example, on the sanctions with respect to Poland, the United States has the grain deal, so why shouldn't West Germany and France develop a pipeline contract with the Soviet Union which will render them perhaps a third, roughly, dependent upon the Soviet Union for their gas supplies?

These transactions have implications which we have not begun to become conscious of, and I am going to encourage the development of some principles and an understanding within each nation and among the nations of the implications of such international deals such as I have referred to, because we are way behind the power curb on this, I am afraid, in terms of our security.

So, this is the context of my agreement with you on the problem of technology transfer.

Mr. WEBSTER. Mr. Chairman, I hope that through these hearings and other methods that there can be greater public awareness of the extent of the problem.

We have, within the FBI, a program called the DECA program in which we have reached over 6,000 companies engaged in handling classified information. We try to make them more aware of the real problems, the real world problems.

A few years ago we laughed these off, I suppose. But we know they are there. To be sensitive to the attempts to recruit employees within the companies.

One of the observations that I would make about our problems and the weakness in terms of protecting our security is that in the years that I have been here and have observed our problems, that the people who give away our secrets for ideological reasons are a very small number indeed. We are vulnerable to money and sometimes revenge because they are mad about something.

But these companies who think that they do not have any problems because they do not have any Communists in their organizations are missing the point. Recruitment can be made without any ideological issues at stake at all.

Senator DENTON. Well, I hope that this can become not only a bipartisan issue but one which, once the consciousness is raised about the problems involved here, one in which true civil libertarians and true conservatives, if you will, are united because there is ample evidence now that we need to be united on this and start approaching the problem in a realistic way.

It is a minor point, but we have had KGB agents come into my office and into Mr. Lisker's office. This is not the first hearing conducted in which there has been representation from the Soviet Union—not that these things are all bad, but there is some need for an examination of some of the consequences of this unencumbered access to Capitol Hill.

But the overall major consideration of technology transfer, I think, requires massive work on our part to overcome the detrimental impact on our national security.

Senator East has asked that he be permitted to make a few brief closing comments.

Senator EAST. I just wanted to thank the Director for coming in his very gracious manner and allowing us to badger him this morning. We appreciate that.

Mr. WEBSTER. Thank you.

Senator EAST. I thank the chairman for holding the hearings, and also for his expressed desire to have a separate set of hearings on the so-called Levi guidelines which I do feel personally is a matter that ought to be explored more fully and thoroughly to see where we stand with that.

So, again my thanks to you, Mr. Chairman, and to the Director.

Senator DENTON. I would also thank the Director and ask him to respect the usual tradition of having replies addressed to the chairman on the questions which will be submitted within the next 10 days from the Senators on this committee.

This hearing stands in recess. The subcommittee will continue an examination of these issues in more detail on February 11, 1982, in a closed session.

[Whereupon, at 12:25 p.m., the subcommittee adjourned, to reconvene Thursday, February 11, 1982.]

QUESTION AND ANSWER SECTION

RESPONSES OF THE FEDERAL BUREAU OF INVESTIGATION
TO QUESTIONS OF SENATOR DENTON

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

June 8, 1982

Honorable Jeremiah Denton
Chairman, Subcommittee on Security
and Terrorism
Senate Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Denton:

As a follow up to the hearings of February 4 and February 11, I am enclosing our answers to questions submitted in your letter dated February 12, 1982.

By agreement with Subcommittee Counsel, Joel Lisker, certain questions and answers were consolidated for the purpose of completeness and continuity in our responses, and are numbered accordingly. Please note that the answers to questions 2, 4 and 8c should not be disseminated outside the Subcommittee because these responses relate to evidentiary material in pending investigations and trials. Additionally, classified material is being sent under separate cover and will be hand delivered to the Subcommittee.

I trust these responses will be of assistance to the Subcommittee.

Sincerely yours,

William H. Webster
Director

Question 1: Omitted.

Questions 2 and 8c:

Is there any indication at this time as to how or where persons alleged to be involved in the Brinks robbery obtained their weapons or other equipment?

Have the weapons used in the robbery been traced to their original owners?

Answer:

The following responses are provided for closed session use only, as they pertain to a sensitive ongoing investigation:

Questions 3 and 5:

How do Armed Forces of Puerto Rican National Liberation (FALN) operations acquire their sophistication?

How would you describe the level of sophistication of the terrorism of the FALN or of other Puerto Rican terrorist groups?

Answer:

FALN terrorist activities have primarily involved bombing incidents, as have the terrorist activities of other Puerto Rican proindependent violence-prone terrorist groups. The sophistication and expertise involved in these bombing incidents have been consistent the past several years and could have been acquired through past military training or even public source material. A trend has, however, been noted towards guerrilla type activity in Puerto Rico since late 1979, with the ambush attack on a United States military bus where two were killed and several wounded by automatic weapons.

Question 4:

What indications are there that persons involved in the Brinks robbery were previously involved in similar armed robberies earlier, as reported in the press?"

Answer:

The following response is provided for closed session use only, as it pertains to a sensitive ongoing investigation:

Question 6:

To what extent is the FBI aware of "false-flag" intelligence collection by hostile foreign intelligence services through private U.S. organizations (e.g., news services, lobby groups, thinktanks, etc.)?

Answer: A classified answer was given.

Question 7:

Director Webster, on Tuesday, December 29, 1981, at a year-end session, stated that despite the Brink's case, "the Weather Underground is not a viable organization. There is no evidence that such an organization is functioning."

- a. When did the Weather Underground Organization (WUO) cease functioning? How does the FBI know this?
- b. What has become of its members?
- c. Does the FBI monitor the activities of the former members? In what ways and by what techniques?
- d. Given the fact that its members are underground, how does the Bureau know that it is no longer a functioning organization? Has it been infiltrated by the FBI?

Answer:

In 1976, internal dissension split the WUO with the heavily feminist "Revolutionary Committee" (RC) faction breaking away from what they referred to as the "Central Committee" (CC). After 1977, nothing was heard from the WUO either under its own name or under the RC or CC names. Nothing, however, was developed to show that the WUO ceased to exist. Indeed, the fact that some of its leading members, including William Charles Ayers, who was a fugitive, did not surface, tended to support the notion that the WUO as an entity, may have continued to exist. During the late 1970's, a large number of the membership, many of whom were probably a part of the CC, surfaced; however, none divulged information about the group's status. The FBI closed its domestic security case on the WUO when its continuation could not be justified because, from all information available, it could not be substantiated that the group was involved in criminal activities.

In 1979, the UFAP warrants for those WUO members sought on Chicago warrants were dropped, thereby bringing to an end investigations to locate these individuals. Jeffrey Carl Jones and Eleanor Raskin became fugitives in late 1979 as a result of a UFAP warrant being issued following the discovery of a "bomb factory" in their Hoboken, New Jersey, safehouse. Silas Bissell became a fugitive in 1970, when he jumped bond in a bombing case in Seattle, Washington. He remains a fugitive. Marilyn Jean Buck became a fugitive when she escaped from a Federal prison in 1977. She remains a fugitive and a subject in the Brinks investigation. None of the other members of the WUO have been subjects of FBI investigation since the 1979 Chicago UFAP warrants were dropped. Consequently, the exact whereabouts or activities of these people has not been monitored by the FBI. In some instances, the FBI has encountered some former WUO members while conducting other investigations. Even though active investigation has not existed in the Prairie Fire Organizing Committee (PFOC) or the May 19th Communist Organization (until after the Brinks incident) these groups and some individual members have come to FBI attention but have not been the subjects of individual domestic security investigations. It is also believed that some of WUO members remain in an underground status.

Even though the FBI cannot state categorically that the WUO has ceased to exist, it is a known fact that the WUO as an organization has not claimed credit for any criminal activities since 1977. The only thing that is known at this time is that the WUO has not publicly claimed credit for anything in five years. In 1977, two undercover FBI Agents penetrated a cell of people associated with the WUO in California and eventually caused the arrest of five people including two WUO fugitives in November, 1977. No other infiltrations of the WUO by agents or informants have been made since that time.

Question 8:

Director Webster has been quoted in an Associated Press release, based on a year end press conference on December 29, 1981, as having stated that:

"It is premature to call the Brinks case a terrorist incident. It involved a number of former radicals with a history of violence but that amount of money is attractive for any purpose - either terrorist or criminal."

I assume the FBI is familiar with the contents of Carlos Marighella's Mini-Manual for Urban Guerrillas, published in 1969. In that document the author advised underground guerrillas to expropriate funds from banks and similar institutions in order to sustain their revolutionary activities. Do you think that it is likely that this was the underlying motivation in this case?

Answer:

At the present time, we have no specific information which would allow a definitive conclusion to be drawn as to the motive for the crime.

Question 8b:

How soon after notification did the FBI arrive on the scene of the robbery? How was the fact of the robbery communicated?"

Answer:

FBI Agents were on the scene of the October 20, 1981, robbery/murder at Nyack, New York, twenty-five minutes after the incident occurred. The means of notification was via a New York State Police radio communication which the FBI monitors.

Questions 9 and 10:

On October 25, Kenneth Walton of the FBI's New York Field Office stated that the office was investigating possible links between the coalition of domestic violent groups and foreign terrorist groups, including the Irish Republican Army. He stated that he did not think there was any doubt that those involved in the Brinks robbery on October 20, were connected to the Puerto Rican terrorist group, the Fuerzas Armadas de Liberacion Nacional (FALN) among other groups. Does this continue to be the Bureau's view?

What indications does the FBI have showing FALN connections with the Brinks robbery at Nyack or with any or all of the groups or individuals involved in that incident?

Answer:

Former WUO members have participated in several rallies and have attended functions in support of FALN which were sponsored by the FALN surface support group, the Movement of National Liberation (MLN). No further information has been developed, however, to reflect that the FALN was aware of the October 20, 1981, Brinks robbery prior to that date or that the FALN was in any way involved in any of the other armored truck robberies in the New York area that the Brinks perpetrators are suspected of committing. Since the Brinks incident, the MLN has expressed support of people involved and the FALN in their communique recovered on March 1, 1982, expressed support for these people.

Question 11:

On Tuesday, December 29, 1981, Director Webster stated

that Puerto Rico is economically vulnerable and thus provides an excellent opportunity for recruitment by hostile intelligence agencies. He further stated the number of incidents in Puerto Rico suggests various types of support.

Does the FBI have indications or evidence that Cuba or any other Soviet proxy or surrogate is involved with or supports, in any way, Puerto Rican terrorist groups?

If so, what are the indications?

What type of support does the number of incidents suggest?

What steps is the FBI taking to counter and interdict potential Cuban involvement with Puerto Rican terrorist groups?

Answer: A classified answer was given.

Question 12:

It has been stated by Director Webster that the FBI has developed information about an organization not well known to it in the past, namely, the May 19th Organization.

- a. Please tell us what information the FBI has concerning this group.
- b. When and in what way did the FBI first become aware of this group?
- c. In what manner and by what techniques does the FBI presently monitor the activities of May 19th and its members?
- d. Please answer the same questions with regard to the Republic of New Africa, the Black Liberation Army and the Symbionese Liberation Army.

Answer:

The FBI was aware of the major reorganization effort of the Weather Underground Organization in 1978 and of the formation of the entity known as the May 19th Communist Organization or May 19th Communist Committee. The Chicago Field Office, who in 1978 was the office of origin within the FBI for the investigation for the Weather Underground Organization, advised during 1978 that the May 19th Communist Organization was the East Coast faction of the Prairie Fire Organizing Committee (PFOC). The Prairie Fire Organizing Committee was the surface support group for the Weather Underground Organization, which was headquartered in San Francisco, California, and sometime during 1976, a split occurred within that organization with the East Coast faction splintering off and forming itself as the May 19th Communist Organization or Communist Committee, headquartered in New York. Police intelligence sources advised the FBI that members of the PFOC and the May 19th Organization were interchangeable as late as December, 1978 and, therefore, the New York FBI Office recommended that the May 19th not be opened as a separate Domestic Security investigation at that time as the Prairie Fire Organizing Committee was already being investigated. The Weather Underground Organization investigation was closed by the office of origin, Chicago, and the Department of Justice was so advised by memorandum dated July 15, 1979. The investigation was closed due to the inactivity of the Weather Underground Organization since 1977. The Prairie Fire Organizing Committee investigation was closed by the office of origin, San Francisco, and the Department of Justice was so advised by memorandum dated June 5, 1979. This case, like the one

WUO, was closed because of a lack of information indicating group was involved in criminal activity therefore its continuation could not be justified. The May 19th Communist Organization was dominated by feminists and reportedly supported various violent groups such as the WUO, the Black Liberation Army, and the Republic of New Africa, among others. Based on the possible involvement of the May 19th Communist Organization in the Brinks case, a limited Domestic Security investigation was initiated on October 29, 1981. The New York FBI Office is currently the office of origin in this matter.

The FBI is currently investigating the May 19th Organization under the Domestic Security Guidelines for limited investigation. The investigation is in its preliminary stages.

Limited investigation was authorized on May 19th, October 30, 1981, with an expiration date extended to July 28, 1982.

May 19th is the East Coast branch and an off-shoot of the PFOC, which was the surface support group of the "old" WUO. May 19th has stated its support for numerous causes, including the John Brown Anti-Klan Committee (JBAKC), and the New African Freedom Fighters (NAFF), as well as strong support for the African Women's Movement.

Judith Clark, arrested as a result of NYROB, was (and still may be) a member of May 19th. At this time, she is the only direct connection between May 19th and the NYROB incident. The only other link (indirect) is the May 19th support of the NAFF. Members of this group, according to the Black Liberation Army (BLA) communication, dated November 5, 1981, about the Brinks Robbery, made up part of the NYROB "gang."

Regarding May 19th's cooperation with the FALN, the following is noted. May 19th members have demonstrated numerous times since 1978 in direct support of the FALN. Chicago reported source information in May, 1981, which outlined cooperation between members of the FALN and members of May 19th.

To date, membership, leadership, and financing of the group known as May 19th is largely unknown. This limited Domestic Security investigation continues with anticipation, that it will be converted to a full Domestic Security investigation in the near future. The FBI will intensify efforts to identify current May 19th leadership, members, financing, planned activities, and whether this organization presents a viable domestic terrorist threat.

The Republic of New Africa (RNA) was founded in Detroit, Michigan, in March, 1968, as the Black Government Conference (BGC) which was sponsored by the Malcolm X Society (MXS). The purpose of the conference was to establish a national black movement to be known as the RNA. The stated purpose of the RNA was to separate the States of Georgia, Louisiana, Alabama, Mississippi and South Carolina from the United States and establish an "African republic." During the period 1968 to 1972, RNA recruited approximately 430 members nationwide. The group known as the Black Legion (BL) was organized in 1974 along military lines and its mission was to defend RNA citizens and to support national RNA objectives.

The following can be considered significant RNA activities from the standpoint of violence:

March, 1969: RNA and police engaged in a shootout in Detroit, Michigan. One officer was killed.

August, 1971: 11 RNA members engaged in a shootout with police and FBI Agents in Jackson, Mississippi. One officer was killed and two were wounded, including one FBI Agent.

July, 1972: Secret Service and FBI Agents arrested

two RNA members in possession of weapons at the Democratic National Convention in Miami, Florida.

October, 1972: RNA presented their case of United States terrorism against them to the United Nations. In December of 1972, the United Nations passed a resolution that the United States halt prosecution of the RNA 11 and that United Nations observers be sent to Mississippi to observe the election of RNA officers.

Following the two shootouts with police, RNA activity declined. It was considered a loosely structured entity which from 1973 to 1976 demonstrated an inability to attract national financial or popular support. Detroit FBI Office, which was office of origin for this investigation, discontinued its investigation on July 9, 1976, because RNA activities, characterized as being violations of State or Federal law were found to be spontaneous and had not been preplanned or agreed upon by RNA leadership. Those violations dealt primarily with firearms and RNA members were not charged with any violation of Federal statutes relative to the Domestic Security investigation.

The preliminary investigation of the RNA is currently closed. The current office of origin (Jackson) has reported that there is insufficient cause to conduct a Domestic Security investigation of the RNA at this time and that there is no indication of any direct connection between the RNA, as an organization and the NYROB investigation. However, it is possible that RNA members may have been involved as individuals. It is currently believed that the national membership of the RNA is approximately 300 based on a review of documents seized at the time of the arrest of RNA member Cynthia Boston, on October 27, 1981, at Gallman, Mississippi.

The BLA came into being in approximately February, 1971, when the Black Panther Party (BPP) split into the Newton faction and the Cleaver faction (CF). Eldridge Cleaver, leader of the BLA, called for the overthrow of the United States Government by creating a climate of terror. The more militant members of the BPP joined the CF, headquartered in New York City. The BLA was the underground militant arm of the BPP - CF. It was a loose-knit organization whose members, numbering approximately 100, were grouped into autonomous cells of 6 to 12 members in major cities. Approximately 30 to 40 of these members possessed criminal records.

Members of the BLA have murdered and wounded police officers and were involved in many bank robberies, bombings, and prison escapes. Some incarcerated members who attempted to escape from prisons, were aided and supported by other BLA members.

Closing of the BLA investigation was recommended by the then office of origin, New York, because individual members had been arrested and convicted for a wide array of violations; all but two of the hardcore leaders were incarcerated and/or awaiting trial; and its parent organization, the BPP-CF was defunct. The Department of Justice concurred with this recommendation on March 18, 1977.

A limited Domestic Security investigation was initiated on the BLA on October 30, 1981, based on possible BLA involvement in the Brinks incident. Although the investigation is in its preliminary stages, information received from New York, reveals that there is little indication at this time that the organization, as an entity, is currently active except as a political voice. However, former or perhaps current members may be involved in criminal activity including NYROB as individuals.

THE SYMBIONESE LIBERATION ARMY (SLA)

The FBI Domestic Security investigation of the SLA was closed by the office of origin, San Francisco, on December 10, 1976, at the conclusion of the investigation surrounding the Patricia

Campbell Hearst kidnapping investigation. No further Domestic Security investigation has been conducted on the SLA to date.

Question 13:

Director Webster stated that 16 of the 42 terrorist events last year had to do with Puerto Rican groups.

Please describe the activities of FALN and of other Puerto Rican groups in Puerto Rico and in the continental United States.

Answer:

It is believed that proindependent violence-prone Puerto Rican terrorist groups will continue to be the most frequent perpetrators of terrorist incidents in the United States, as they have been for the past five years. During this five year period of 1977- 1981, they were responsible for 128 of 303 total claimed terrorist incidents in the United States. These 128 incidents were directed primarily against United States Government installations, public buildings and utilities.

Between October 26, 1974 and November 24, 1979, the FALN perpetrated 120 bombing-type incidents in the continental United States and Puerto Rico, resulting in five deaths, 80 injuries and three million dollars in property damage. On March 15, 1980, members of the FALN invaded the Illinois State Campaign Headquarters of President Jimmy Carter in Chicago and Republican Presidential candidate George Bush in New York. From April 4, 1980, when 11 members of the FALN were arrested until March 1, 1982, the FALN claimed credit for no terrorist incidents. On March 1, 1982, the FALN claimed credit for placing four bombs in New York City.

During 1981, six different Puerto Rican groups, other than the FALN, claimed responsibility for the 16 claimed terrorist incidents perpetrated by Puerto Rican terrorist organizations.

Question 14:

Are there any indications that Cuba or its DGI is in any way connected with or supporting the FALN or any of its members?

By what methods and techniques does the FBI monitor the activities of the FALN and/or its members?

Answer: A classified answer was given.

Question 15:

Are there any indications that the Provisional IRA (PIRA) or any of its front groups in the United States are in any way connected with the FALN or other Puerto Rican terrorist groups?

Answer:

There is no information that has been developed by the FBI that would indicate a possible connection between the PIRA and the Puerto Rican terrorist groups.

Are the PIRA fronts presently under investigation by the FBI?

If so, please describe any activity by the PIRA or its front groups in the United States and Puerto Rico.

Answer: A classified answer was given.

Question 16:

Is there any indication, suspicion or evidence (real or otherwise) that the Soviets, the KGB or Eastern Bloc countries or their intelligence services support, train, equip or have contact in any other way with terrorist groups or individuals in the United States or Puerto Rico?

If so, please describe the indications, suspicion or evidence that gives rise to the conclusion and describe the nature and extent of said activities or contacts with domestic terrorist groups or individuals.

Answer: A classified answer was given.

Question 17:

Provide an assessment of the extent to which KGB and proxy services, such as those in Poland, East Germany and Cuba, operate in the U.S. and Puerto Rico.

Answer: A classified answer was given.

Question 18:

Considering the Soviet Bloc diplomatic community, in your view, what percentage or how many such persons have intelligence assignments?

How many illegals should be added to this number?

Answer: A classified answer was given.

Question 19:

Given the large KGB presence - what indicators exist that the Hill, specifically members of Congress and their staffs, might be targeted by espionage agents?

How does the Bureau monitor this activity? In what way?

Are briefings provided to Congressional staffs in order to alert them to the problem and inform them as to the proper way to deal with it?

Answer: A classified answer was given.

Question 20:

Given the increase of staffing of hostile services operating in the U.S. and the Bureau staff limitations, how effective do you believe the Bureau can be in properly monitoring and, when necessary, countering such a threat?

What is the ratio of FBI personnel operating in this area relative to the agents of the hostile services they are targeted against?

Answer: A classified answer was given.

Question 21:

I note that last year, under the Levi Guidelines, the FBI had 10 groups and 47 individuals under investigation; what are the numbers this year?

Answer:

As of May 15, 1982, the FBI had a total of 43 investigations under the Attorney General Guidelines for Domestic Security. Of this number of investigations, there were 23 organizations and 20 individuals. Of the 23 organizations there were only three under full investigation. They were the Armed Forces of Puerto Rican National Liberation, Communist Workers Party, and the Movement of National Liberation. The following is a succinct characterization of each of these three groups:

The Armed Forces of Puerto Rican National Liberation (FALN) is a clandestine terrorist organization dedicated to the liberation of Puerto Rico through the use of violent actions including bombings, incendiary attacks, kidnappings and threats. The group has financed its action through armed robberies of money, materials and vehicles. The FALN has claimed responsibility for 120 bombing-type incidents (actual bombings, attempted bombings, incendiary device attacks, and bomb threats) since October 26, 1974. These incidents have resulted in over 3 1/2 million dollars in damages and five deaths and 80 injuries. The group has forcibly taken control of two Presidential campaign offices and a National Guard Armory, binding employees and robbing the facilities. "Bomb factories" run by the FALN were discovered in Chicago and New York City on November 3, 1976, and July 12, 1978, respectively. Eleven members of the FALN were arrested in Evanston, Illinois, on April 4, 1980, in the possession of two stolen vans, two stolen cars, one falsely registered van, one stolen 14 foot truck, 13 firearms including automatic weapons, false identifications, and various disguises. One of these arrestees was subsequently sentenced to life imprisonment in Federal custody for a fatal FALN bombing in New York City. The other ten were ultimately sentenced to terms of 55 through 90 years in Federal custody for Sedition to thwart the authority of the United States Government and violation of the Hobbs Act. Between April 4, 1980, and March 1, 1982, the FALN claimed credit for no incidents. On March 1, 1982, four bombings in New York City were claimed by the FALN.

The Communist Workers Party (CWP) previously known as the Workers Viewpoint Organization is headquartered in New York City. The CWP is guided by the teachings of Marx, Lenin and Mao Tse Tung, and bases its revolutionary vanguard party in the working class. The CWP advocates the overthrow of the Government of the United States by any means possible, including violence, and further advocates the arming of the working class to achieve that end. Support for the organization which eventually became the CWP began in grass roots level activity in the Durham, North Carolina area in the fall of 1976. By the summer of 1979, the organization had embraced armed confrontation as a means to achieve their goal. Such a confrontation in November, 1979, in Greensboro, North Carolina resulted in the death of five members of the CWP. In January, 1980, CWP was excluded from a scheduled march on February 2, 1980, in commemoration of the 20th anniversary of the Civil Rights Movement in Greensboro, North Carolina because of their refusal to participate in an unarmed march. Members of the CWP continue to maintain arms in their places of residence in support of their professed willingness to kill in order to bring about the revolution they envision.

The Movement of National Liberation (MLN) is a Puerto Rican independence oriented organization centered in Chicago, Illinois, which believes that armed struggle is necessary in order for Puerto Rico to be liberated. The organization openly supports various clandestine terrorist groups presently functioning in

Puerto Rico and in the continental United States. Included among these groups is the FALN.

In addition to the domestic groups being investigated by the FBI, there are a large number of international terrorist groups investigated by the FBI under the Attorney General Guidelines for Foreign Counterintelligence. The exact number is not listed here because it is classified.

Question 22:

At the hearing on February 4, 1982, Director Webster stated that the FBI would have the authority to conduct a preliminary investigation into the May 19th group under the Levi Guidelines based on the rhetoric in their publication, the individuals involved, and their capability to do violence.

Since certain rhetoric is one threshold element in precipitating an FBI investigation, does the FBI have a department or individuals who monitor and read the books, newsletters, magazines, newspapers, etc. put out by suspected terrorist, violent or subversive groups in order to pinpoint groups such as May 19th?

If so, what procedures are followed, i.e. is all the literature read or a random sampling?

If not, is this not a capability which would greatly enhance the Bureau's ability to monitor such groups?

Would the FBI require additional manpower and resources to perform this task? How many and how much?

Answer:

The FBI does not have a program whereby we monitor and read publications of suspected terrorist, violent or subversive groups. We do not monitor the activities of groups unless their activities meet the standards for investigation established by the Attorney General Guidelines for Foreign Counterintelligence or Domestic Security or are in violation of Federal statutes. If the FBI is investigating the activities of a specific group, we would, as part of our inquiry, examine publications of that group.

It is difficult to say whether this "capability would greatly enhance the Bureau's ability to monitor such groups" or what additional manpower or resources would be required to perform the task. We presently have the matter under review to determine whether any change in our current practice is warranted.

Questions 23 & 24:

How have the Levi Guidelines impacted on the FBI's ability to anticipate and interdict terrorist and violent activity by domestic groups?

Has the Bureau engrafted upon its Domestic Security Guidelines (i.e., Levi Guidelines) a separate set of internal guidelines or interpretations which further limit the Bureau's ability to monitor domestic groups which have the capacity to engage in violent activity? Does the Bureau have the capacity to monitor groups which are not in and of themselves violent, but which do support domestic terrorist groups either financially or by means of propaganda?

Answer:

The Domestic Security Guidelines have established an investigative criteria for groups and individuals which essentially involves criminal activity in furtherance of the four basic

criteria for investigations which are set forth in the Guidelines. In other words, these investigations are based on allegations indicating groups or individuals are engaged in activities which involve or will involve the use of force or violence and violation of Federal law for those purposes spelled out in the Guidelines.

It is difficult to measure the effect of the Domestic Security Guidelines on our operations, but we believe they have served us reasonably well. They provided a clear statement of policy for the Bureau at a time when our authority in these matters was the subject of critical debate in Congress and elsewhere. Although the number of investigative matters has been reduced, we have had significant accomplishments in this area. And there have been no successful suits against an FBI Agent for activities that occurred after the Guidelines were adopted.

The procedures established by the Domestic Security Guidelines are, of course, still being tested. Some problem areas have been identified and are currently being reviewed to determine whether modifications in the Guidelines are necessary. Among our more significant concerns are those dealing with the use of informants, especially our ability to infiltrate target organizations during preliminary inquiries. We have also experienced difficulty in maintaining coverage of organizations whose activities temporarily fall outside the Guidelines. If the investigation is closed, than all informants reporting on that organization must be redirected or closed. When the organization becomes active again, it becomes a costly and time-consuming process to redevelop effective informant coverage.

The FBI has not enacted any internal guidelines more restrictive than the Attorney General Guidelines for the purpose of limiting its ability to investigate domestic groups. However, the FBI has imposed more demanding standards for investigations of individuals than required by the Attorney General Guidelines in order to ensure that the FBI's investigative resources are utilized in the most productive manner.

As a result, the FBI initiates domestic security investigations only on individuals when they are in a policy making position in an organization which is the subject of a full investigation, or have engaged in activities which indicate that they are likely to use force or violence in violation of Federal law.

The best example of the type of groups referred to in the last part of this question is the Movement of National Liberation (MLN). Although they have committed no acts of violence, they directly support both monetarily and with public statements the FALN, and because of the supportive role of the MLN, this group is under investigation within the scope of the Attorney General Guidelines for Domestic Security.

Question 25:

Are there any indications, suspicions or evidence that illicit narcotic revenues are used to finance terrorist or subversive activities in the United States?

Answer:

As a result of FBI investigations, individual members of terrorist groups, such as the anti-Castro Omega 7, have been arrested for trafficking in narcotics. The FBI has not developed evidence to substantiate the inference that the monies gained from this illicit drug trafficking were being used to fund terrorist activities in the United States.

In the recent past, information has been received by the FBI that other terrorist groups have been involved in drug trafficking, but the Bureau has not been able to substantiate the allegations.

Are there any indications that Cuba is involved in any way with the illicit narcotics traffic in the United States?

Answer: A classified answer was given.

Question 26:

Is the Bureau cognizant of any systematic military training or special terrorist training which is being given to Palestinians residing in the U.S. as permanent resident aliens, or U.S. citizens? Specifically, have such persons traveled to Lebanon by way of 3rd countries in order to receive training and thereafter returned to their communities in the U.S.?

Answer: A classified answer was given.

Question 27:

It is my understanding that the FBI undertook an analysis of the reasons for the sudden increase to 42 incidents in 1981, after a four-year decline from the peak of 110 in 1977.

Has the analysis been completed? If not, when will it be completed?

Is there any reason why the Subcommittee can not be furnished a copy of the analysis (once it is completed)? Would you please ensure that this is done.

Answer:

The FBI has recently completed a summary of claimed terrorist incidents in the United States in 1981. This summary also includes statistical analysis of terrorist incidents in the United States during the last five years. A copy of this report is attached.

ANALYSIS OF CLAIMED TERRORIST
INCIDENTS IN THE U.S.
1981

This Report Was Prepared By:

Terrorist Research And Analytical Center
Terrorism Section
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SECTION A

A PICTORIAL ANALYSIS OF CLAIMED TERRORIST INCIDENTS, 1981

CHRONOLOGICAL LISTING OF CLAIMED
TERRORIST INCIDENTS, U.S., 1981

DATE	LOCATION	TYPE OF INCIDENT	GROUP CLAIMING CREDIT
1-8-81	Ponce, PR	Firebombing	People's Revolutionary Commandos (CRP)
1-8-81	Rio Piedras, PR	Firebombing	People's Revolutionary Commandos (CRP)
1-8-81	Santurce, PR	Firebombing	People's Revolutionary Commandos (CRP)
1-12-81	San Juan, PR	Bombing	Borinquen People's Army - Macheteros (EPB-Macheteros)
1-23-81	New York, NY	Bombing	Croatian Freedom Fighters (CFF)
1-26-81	San Francisco, CA	Bombing	Jewish Defense League (JDL)
2-2-81	Los Angeles, CA	Attempted Bombing	October 3
2-9-81	Eugene, OR	Assault	Revolutionary Communist Youth Brigade (RCYB)
2-22-81	Hollywood, CA	Bombing/Extortion	Armenian Secret Army for the Liberation of Armenia (ASALA)
3-15-81	San Juan, PR	Attempted Bombing	Armed Forces of Popular Resistance (FARP)
4-21-81	Santurce, PR	Armed Robbery	Borinquen People's Army - Macheteros (EPB-Macheteros)
4-27-81	Washington, DC	Firebombing	Iranian Patriotic Army (IPA)
5-16-81	New York, NY	Bombing	Puerto Rican Armed Resistance (PRAR)
5-16-81	New York, NY	Attempted Bombing	Puerto Rican Armed Resistance (PRAR)
5-17-81	New York, NY	Attempted Bombing	Puerto Rican Armed Resistance (PRAR)
5-18-81	New York, NY	Attempted Bombing	Puerto Rican Armed Resistance (PRAR)
5-18-81	New York, NY	Attempted Bombing	Puerto Rican Armed Resistance (PRAR)
6-25-81	Torrance, CA	Firebombing	Jewish Defenders (JD)
6-26-81	Los Angeles, CA	Bombing	June 9 Organization
7-30-81	New York, NY	Takeover	Libyan Students in the U.S.
8-7-81	Washington, DC	Takeover	People's Mujaheddin Organization of Iran (PMOI)
8-20-81	Washington, DC	Arson	Black Brigade (BB)
8-20-81	Los Angeles, CA	Bombing	June 9 Organization
8-27-81	Carolina, PR	Bombing	Star Group (GE)
8-31-81	New York, NY	Takeover	Jewish Defense League (JDL)
9-3-81	New York, NY	Attempted Firebombing	Jewish Defense League (JDL)
9-4-81	New York, NY	Firebombing	Jewish Defense League (JDL)
9-9-81	Washington, DC	Takeover	Concerned Sierra Leone Nationals (CSLN)
9-11-81	Miami, FL	Bombing	Omega 7
9-11-81	Miami, FL	Bombing	Omega 7
9-12-81	New York, NY	Bombing	Omega 7
9-22-81	Schenectady, NY	Bombing	Communist Workers Party (CWP)
9-24-81	Miami, FL	Attempted Bombing	Omega 7
10-10-81	Hollywood, CA	Bombing	Armenian Secret Army for the Liberation of Armenia (ASALA)
10-25-81	New York, NY	Firebombing	Jewish Defense League (JDL)
11-11-81	Santurce, PR	Bombing	Borinquen People's Army - Macheteros (EPB-Macheteros)
11-14-81	Glen Cove, NY	Shooting	Jewish Defense League (JDL)
11-20-81	Los Angeles, CA	Bombing	Justice Commandos of Armenian Genocide (JCAG)
11-27-81	Ft. Buchanan, PR	Shooting	National Liberation Movement (MNL)
11-27-81	San Juan, PR	Bombing	Borinquen People's Army - Macheteros (EPB-Macheteros)
11-27-81	Santurce, PR	Bombing	Borinquen People's Army - Macheteros (EPB-Macheteros)
12-24-81	New York, NY	Attempted Bombing	Jewish Defense League (JDL)



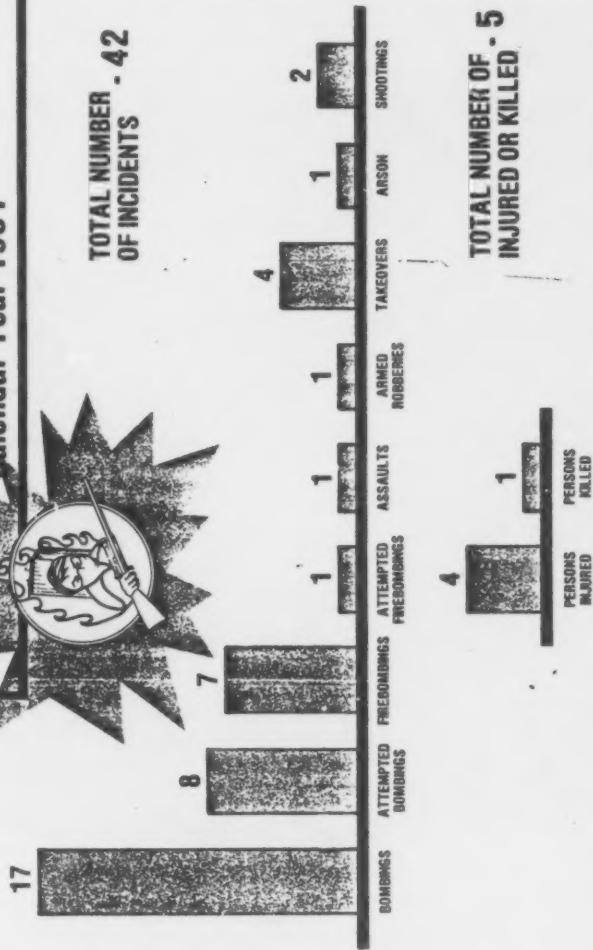
1981 CLAIMED TERRORIST INCIDENTS BY GROUP, NUMBER AND TYPE OF INCIDENT

TERRORIST GROUP	TYPE OF INCIDENT									
	ACTUAL BOMBINGS	ATTEMPTED BOMBINGS	ACTUAL FIREBOMBINGS	ATTEMPTED FIREBOMBINGS	ARMED ROBBERIES	SHOOTINGS	TAKEDOVERS	ARSON	ASSAULTS	TOTAL INCIDENTS
ARMENIAN GROUPS										
Armenian Secret Army for the Liberation of Armenia	2								2	
June 9 Organization	2								2	
Justice Commandos of Armenian Genocide	1								1	
October 3		1							1	
CROATIAN GROUPS										
Croatian Freedom Fighters	1								1	
CUBAN GROUPS										
Omega 7	3	1							4	
IRANIAN GROUPS										
Iranian Patriotic Army		1							1	
People's Mujaheddin Organization of Iran					1				1	3
JEWISH GROUPS										
Jewish Defenders		1							1	
Jewish Defense League	1	1	2	1	1	1			7	
LIBYAN GROUPS										
Libyan Groups in United States					1				1	
PUERTO RICAN GROUPS										
Armed Forces of Popular Resistance	1								1	
Borinquen People's Army - Macheteros	4		1						5	
STAR GROUP	1								1	
National Liberation Movement				1					1	1
People's Revolutionary Commandos		3							3	
Puerto Rican Armed Resistance	1	4							5	1
OTHER DOMESTIC GROUPS										
Communist Workers Party	1								1	
Revolutionary Communist Youth Brigade							1		1	
OTHER GROUPS										
Black Brigade						1			1	
Concerned Sierra Leone Nationals					1				1	
TOTAL	17	8	7	1	1	2	4	1	42	4

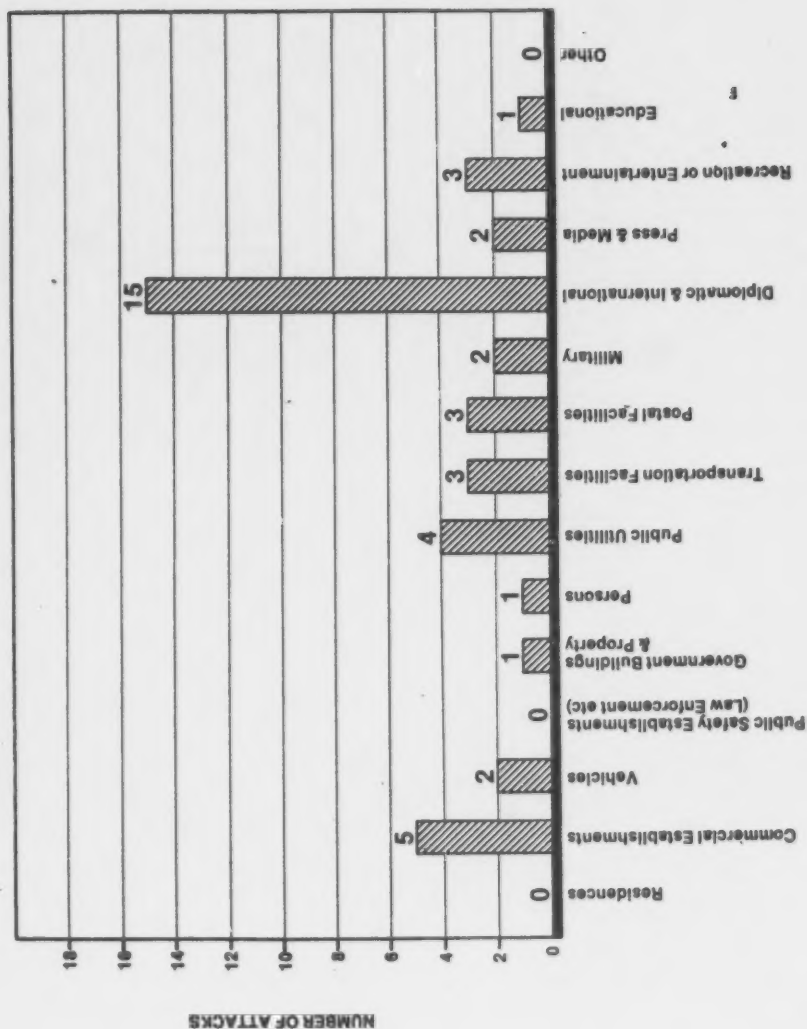
U.S. Department of Justice
Federal Bureau of Investigation



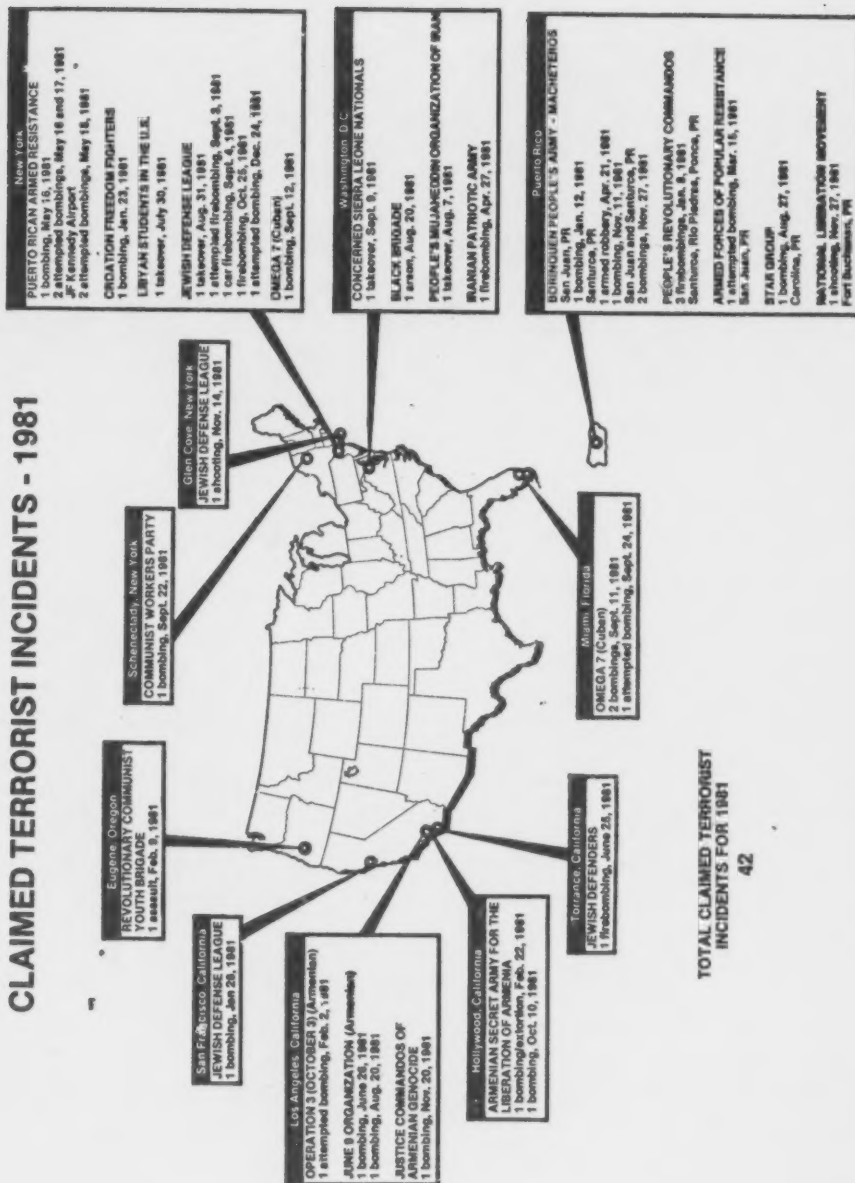
CLAIMED TERRORIST INCIDENTS IN THE U.S. Calendar Year 1981



TERRORIST ATTACKS BY TARGET 1981



CLAIMED TERRORIST INCIDENTS - 1981



TOTAL CLAIMED TERRORIST INCIDENTS FOR 1981

42

SECTION B

SUMMARIES OF CLAIMED TERRORIST INCIDENTS BY GROUPS

ARMENIAN GROUPS

ARMENIAN SECRET ARMY FOR THE LIBERATION OF ARMENIA (ASALA)
AKA ARMENIAN UNDERGROUND FOR THE LIBERATION OF ARMENIA,
GROUP 28 MAY, AND AVENGERS OF ARMENIAN GENOCIDE

This group has claimed responsibility for a total of two incidents.

The goals of the ASALA are: retaliation against Turks for the alleged massacre of one and one-half million Armenians in 1915; the liberation of historical Armenian lands from Turkey; and reunification with Soviet Armenia as a socialist democratic state. These goals are to be reached by means of Marxist-Leninist revolutionary violence.

On February 22, 1981, at approximately 9:30 p.m., two bombs detonated at the Carpeteria Store located at 1122 North Vine Street, Hollywood, California, causing minimal damage. The executives of the store had previously received an extortion letter from the ASALA, demanding a \$150,000 "contribution."

Investigation is continuing. No suspects have been developed.

In October, 1981, a bomb exploded at the Hollywood Palladium, 6215 Sunset Boulevard, Hollywood, California, during a banquet sponsored by the Armenian National Committee to Aid Homeless Armenians. No injuries and minimal damage resulted. The device was similar in construction to previous bombing in Los Angeles, which have been claimed by the Armenians. The bombing was later claimed by communiques from the ASALA.

No suspects have been developed and investigation is continuing.

JUNE 9 ORGANIZATION

This group has claimed responsibility for a total of two incidents.

The June 9 Organization is an offshoot of the Armenian Secret Army for the Liberation of Armenia (ASALA). It derives its name from the killing of a Turkish diplomat in Geneva, Switzerland on June 9, 1981.

On June 26, 1981, an explosive device was detonated in front of the double door entrance of the Swiss Bank Corporation, Suite 1220, 800 West 6th Street, Los Angeles, California. The explosion was low order and caused little damage and no injuries. An unknown male caller informed "Associated Press," Los Angeles, that credit was claimed by the June 9 Organization, an Armenian terrorist group.

No suspects have been developed. Investigation is continuing.

On August 20, 1981, at approximately 5:00 a.m., an explosive device went off in front of the Swiss Precision Instrument Company, 875 North Virgil, Los Angeles, California. The device was low yield and it burned rather than detonated. It caused little damage and no injuries.

"Associated Press," Los Angeles, received a call from an unknown male claiming credit for the bombing in the name of the June 9 Organization. He stated the purpose of the bombing was to protest the imprisonment of Armenian nationalists by Swiss authorities.

No suspects have been developed and investigation is continuing.

JUSTICE COMMANDOS OF ARMENIAN GENOCIDE (JCAG)

This group has claimed responsibility for a total of one incident.

The JCAG is an Armenian terrorist group dedicated to avenge the alleged death of one and one-half million Armenians killed by the Turkish government in 1915. Since 1973, the JCAG have committed terrorist acts against Turkish individuals and establishments throughout the world.

On November 20, 1981, at approximately 7:10 p.m., an explosive device detonated at the Turkish Consulate, 8730 Wilshire Blvd., Los Angeles, California. Investigation indicated the device was placed in a hallway outside the Consulate door. The explosion made a small crater in the floor and blew down the door, and the door directly across the hallway. The ceiling in the hallway and offices in the immediate area received moderate damage. Claim for the bombing was received by the "Associated Press," Los Angeles, at approximately 8:20 p.m., November 20, 1981. In a telephone call, an unknown person, who was possibly female stated, "I have an announcement to make and I don't want to be interrupted; this is the JCAG, and we just blew up the Turkish Consulate in Los Angeles." The caller ended by stating "this is only a warning; if he comes to Los Angeles he'll be blown up" (possibly referring to the Turkish Ambassador).

No suspects have been developed and investigation is continuing.

OCTOBER 3

This group has claimed responsibility for a total of one incident.

The October 3 Organization is an operational unit of the Armenian Secret Army for the Liberation of Armenia (ASALA). It uses the name October 3 because two young Armenians were arrested on that date by Swiss authorities after a bomb they were fabricating exploded.

On February 2, 1981, a bomb was discovered attached to the wall adjacent to the front door of the Swiss Consulate, Los Angeles. It was rendered safe by the Los Angeles Police Department. The Los Angeles Office of the "Associated Press" received a call claiming credit for this attempted bombing in the name of the "Operation Number Three" group. This group is believed to be the October 3 group and is part of the ASALA.

Investigation is continuing. No suspects have been developed.

CROATIAN GROUPS

CROATIAN FREEDOM FIGHTERS (CFF)

This group has claimed responsibility for a total of one incident.

The CFF is also known as the Croatian National Resistance (CNR), an international anti-Yugoslav organization committed to the establishment of an independent state of Croatia.

On January 23, 1981, at 12:48 p.m., a bomb detonated at the New York Supreme Court building in New York City. At 9:45 a.m., "United Press International," New York, received a phone call claiming responsibility for the bombing in the name of the CFF.

Investigation is continuing. No suspects have been developed.

CUBAN GROUPS

OMEGA 7

This group has claimed responsibility for a total of four incidents.

Omega 7 is a pseudonym for the Cuban Nationalist Movement (CNM), a fanatical, anti-Castro Cuban exile group which was founded in 1960 to keep alive the spirit of the continuing fight of Cuban exiles against the incumbent communist government of Cuba. This group has, for some twenty years, committed numerous terrorist acts, including murder and political assassination, under the guise of fighting communism.

On September 11, 1981, at 10:13 p.m., an explosion occurred at the Mexican Consulate, Brickell Avenue, Miami Florida. The explosion completely demolished the Consulate suite and caused extensive damage to the entire fourth floor of the office building. There were no injuries. Omega 7 claimed credit for this bombing in a telephone call to radio station WQBA, Miami, Florida.

Two suspects have been developed and investigation is continuing.

On September 11, 1981, at approximately 1:55 p.m., an explosion occurred at the "Replica" magazine office, 30th Avenue and 7th Street, N.W., Miami, Florida. The explosive device was coupled with a propane tank device and the resultant fire destroyed the office and equipment. There were no injuries. Omega 7 leaflets were found at the scene.

Two suspects have been developed and investigation is continuing.

On September 12, 1981, at 1:40 a.m., a bomb exploded at the Mexican Consulate, 10 East 41st Street, New York City, New York. There were no injuries and the blast caused minor damage to the Consulate and the surrounding building. Omega 7 took credit for this bombing in a communique.

One suspect has been developed and investigation is continuing.

On September 24, 1981, at 4:00 p.m., the owner/publisher of the magazine "Replica," Mr. Max Lesnick, was checking the roof of his building at 30th Avenue and 7th Street, N.W., Miami, Florida, when he discovered an unexploded bomb over the front doorway area. He had a friend disarm the bomb which was marked with Omega 7 stickers.

No suspects have been developed and investigation is continuing.

IRANIAN GROUPS

PEOPLE'S MUJAHEDDIN ORGANIZATION OF IRAN (PMOI)

This group has claimed responsibility for a total of one incident during which three persons were injured.

The PMOI is an Islamic fundamentalist organization with Marxist tendencies. Since the era of the Shah, this organization has conducted guerrilla warfare and participated to a considerable extent in the Islamic Revolution of 1978/1979. Since the fall of the Shah, they have become increasingly anti-Khomeini and against the so-called dictatorship of the Mullahs. They have participated in the occupation of several Iranian installations throughout the world.

On August 7, 1981, at 8:50 a.m., 24 individuals (members of the PMOI) forcibly entered the Iranian Interest Section and held seven hostages for approximately one hour. The Washington Metropolitan Police Department responded and terminated the situation through negotiation. As the Metropolitan Police Department officers were departing the scene with the suspects, one shot was fired by one of the seven employees of the Iranian Interest Section who had been held hostage. The shooting resulted in the wounding of one member of the PMOI. In the ensuing confusion, another PMOI member's leg was broken. The alleged shooter also received injuries during the confusion.

As a result of this incident, 24 PMOI members were arrested. Besides the shooter, six PMOI members were also subsequently arrested on charges of assault.

The 24 individuals arrested have been convicted on charges of entering a diplomatic establishment to cause damage.

Seven more are awaiting trial on this matter.

IRANIAN PATRIOTIC ARMY (IPA)

This group has claimed responsibility for a total of one incident.

The IPA is a group of anti-Khomeini Iranians located in the Washington, D.C., area.

On April 27, 1981, at 2:30 a.m., a firebomb was thrown through the window of an Iranian-American merchant in Washington, D.C. In a telephone call received by CBS-Washington, responsibility was claimed by the IPA.

No suspects have been developed and investigation is continuing.

JEWISH GROUPS

JEWISH DEFENDERS (JD)

This group has claimed responsibility for a total of one incident.

The JD is a group which protests the alleged mistreatment of Jews worldwide.

On June 25, 1981, at 5:30 a.m., an incendiary device was thrown at the window of the Center for Historical Review in Torrance, California. "Associated Press," "United Press International" and "City News Service" had been notified by an anonymous caller between 5:07 and 5:13 a.m., that the incident would take place and were again contacted at approximately 5:30 a.m., when credit was claimed for the firebombing in the name of the JD. The incident resulted in no injuries and approximately \$200 damage.

No suspects have been developed.

JEWISH DEFENSE LEAGUE/AMERICAN REVENGE COMMITTEE (JDL)

This group has claimed responsibility for a total of seven incidents.

The JDL was organized in September of 1968, by Rabbi Meir D. Kahane, who proclaimed that violence is necessary to accomplish the objectives of the JDL. Headquartered in New York City, the JDL is composed primarily of young Jewish-American extremists who consider themselves to be protectors of "Jewish rights" and supporters of the State of Israel. Chapters of the JDL are located in several of the larger metropolitan areas of the United States. Many JDL members have been trained in self-defense and the use of firearms. By means of its terrorist activity, the JDL has attempted to publicize the poor treatment received by Jews in the Soviet Union and in Arab nations.

On January 26, 1981, at approximately 12:30 a.m., an explosive device detonated outside the Bank Melli Iran. The Union Bank, across the street, suffered damage to 42 windows and the Bank Melli Iran also suffered property damage. In a phone call to "United Press International," San Francisco, the JDL claimed responsibility for the bombing. KCBS radio, San Francisco, also received a phone call claiming responsibility in the name of the American Revenge Committee.

No suspects have been developed. Investigation is continuing.

On August 31, 1981, at 5:50 p.m., the United States State Department telephonically advised that at approximately 4:15 p.m., on August 31, 1981, the Austrian Consulate in New York was occupied by 15 individuals who identified themselves as members of the JDL.

These individuals entered the premises, locked and barricaded the door, and demanded to speak to the Consul General. When the Consul appeared, they demanded that the Austrian government not deal with the Palestine Liberation Organization.

After approximately 15 minutes, these individuals left the building and there were no injuries or property damage reported nor were any arrests made.

No suspects or arrests. Case closed October 5, 1981.

JEWISH DEFENSE LEAGUE/AMERICAN REVENGE COMMITTEE (JDL)

On September 3, 1981, two soda bottles, filled with flammable liquid and attached to M-80 firecrackers, were found under cars parked near the Soviet Mission to the United Nations. One car belonged to the Soviet Mission, the other to the Romanian Mission. Neither device detonated. Credit for this action was claimed by the JDL by an unidentified male caller to the "New York Post" newspaper.

No suspects have been developed.

On September 4, 1981, according to police, an incendiary device exploded beneath a vehicle registered to Adeyemi Bariyu, Minister, Nigerian Mission to the United Nations. Mr. Bariyu's vehicle was parked on 2nd Avenue at 68th Street. As described by bomb squad, the incendiary device consisted of an M-80 firecracker attached to a bottle of gasoline. The device caused relatively minor damage to the vehicle, a flattened left rear tire and a scorched rear quarter panel.

At approximately 1:30 a.m., an unidentified male telephoned "United Press International" and the "New York Post" stating that the Thunder of Zion militant faction of the JDL had just blown up a Soviet automobile. The caller demanded the Soviets release Maria Tiemkin and Anatoly Sharansky. In conclusion, the caller stated, "Russian blood will flow in New York street."

One subject, Mark Levey, was arrested September 8, 1981, for this bombing.

On October 25, 1981, at 5:00 a.m., a Molotov cocktail caused a fire at the Egyptian Government Tourist Office, 630 Fifth Avenue, New York, New York. Evidence recovered at the scene consisted of an unbroken bottle, one-quarter full of gasoline, and a broken bottle believed to be a Molotov cocktail, which started the fire. The tourist office was heavily damaged by the fire.

At 4:30 a.m., an anonymous caller to "Associated Press," New York, claimed credit for the bombing in the name of the JDL.

No suspects have been developed.

On November 14, 1981, sometime between 6:00 and 10:00 p.m., 12 shots were fired at the Soviet residence of the Soviet Mission to the United Nations, Glen Cove, New York. No injuries occurred and all shots impacted in and around two floor-to-ceiling doors on the side of the Soviet residence. The doors are situated approximately seventy-five yards from a public road which passes the Soviet estate. At 10:00 a.m., November 15, 1981, an unknown male telephoned "United Press International" news and claimed credit for the shooting on behalf of the JDL.

JEVISH DEFENSE LEAGUE/AMERICAN REVENGE COMMITTEE (JDL)

As a result of subsequent investigation, two individuals were arrested and accused of this shooting. There is no apparent connection between these individuals and the JDL. Federal prosecution was declined in favor of local charges because the evidence indicated the residence was chosen at random and not because it was a Soviet establishment.

On December 24, 1981, at 6:40 p.m., the "New York Daily News" received a call claiming credit in the name of the JDL for the bombing of Soviet Mission in New York City. Because no bombing had taken place, a search was conducted by the New York City Police Department and a pipe bomb was located under a 1980 Toyota belonging to the Soviet Mission to the United Nations.

No suspects have been developed.

LIBYAN GROUPS

LIBYAN STUDENTS IN THE UNITED STATES (LSUS)

This group has claimed responsibility for a total of one incident.

The LSUS is a small militant group of Libyan students in the United States who oppose the regime of Muammar Qaddafi in Libya.

On July 30, 1981, approximately 40 Libyan students took over the Libyan Mission to the United Nations in New York City. Libyan Mission personnel were ordered to leave by the protestors and no hostages were taken. The protestors who indentified themselves as members of the LSUS were demonstrating against the current government of Libya. After approximately three and one-half hours, New York City Police broke through the door to the Libyan Mission and arrested the demonstrators.

PUERTO RICAN GROUPS

ARMED FORCES OF POPULAR RESISTANCE (FARP)

This group has claimed responsibility for a total of one incident.

The FARP is a Puerto Rican based terrorist group dedicated to an independent Puerto Rico. The FARP has claimed numerous terrorist incidents on the Island of Puerto Rico.

On March 15, 1981, at 6:45 p.m., in the basement of the Condado Convention Center in San Juan, Puerto Rico, a bomb was placed in the trunk of a stolen car. The bomb failed to detonate but did cause the vehicle to catch fire. Ex-Secretary of State, Henry Kissinger, was due to deliver a speech in the Convention Center at 7:45 p.m., as a guest speaker for the World University. A three page communique was received by "United Press International," San Juan, in which the Puerto Rican terrorist group, FARP, claimed responsibility. On the same date, a second communique was received by "United Press International," San Juan, claiming responsibility for "all the revolutionary organizations operating in Puerto Rico."

Eight suspects have been developed and investigation is continuing.

BORINQUEN PEOPLE'S ARMY-MACHETEROS (EPB-MACHETEROS)

This group has claimed responsibility for a total of five incidents.

The "EPB" Puerto Rican Popular Army "Macheteros" is a pro-independence terrorist group operating both in Puerto Rico and in the Continental United States.

On January 12, 1981, during the morning hours, a series of explosions occurred at the Puerto Rican Air National Guard Base, which adjoins San Juan International Airport. Eight A-7 jet aircraft were destroyed and two others were damaged. In addition, a pick-up truck and trailer and an F-104 display aircraft were also destroyed. In a communique found at the scene, the Puerto Rican terrorist group, EPB-Macheteros claimed responsibility for the bombing attack. A video tape, received and televised by a San Juan news commentator, showed the Macheteros constructing the explosive devices used in the attack.

Eighteen suspects have been developed and investigation is continuing.

On April 21, 1981, a Wells Fargo armored truck was robbed by armed persons. In a communique received by "El Mundo" newspaper on May 7, 1981, the Macheteros claimed responsibility for this armed robbery which netted the Macheteros \$348,000.

Three suspects were developed.

On November 11, 1981, at approximately 12:20 a.m., an explosive device detonated at the Puerto Rican Electric Power Authority Substation, located at Calle Wilson Corner of Las Hermanas, Condado Sector, Santurce, Puerto Rico. The explosion damaged the radiators of the substation refrigeration system.

On Saturday, November 14, 1981, "United Press International," San Juan, received a communique in the morning mail from the EPB-Macheteros which claimed credit for this bombing.

No suspects have been developed.

On November 27, 1981, two explosions occurred which caused extensive damage to two PREPA substations in the San Juan metropolitan area. Large portions of the Condado and Miramar section of the city were blacked out and were without electrical power for an extended period of time. The Wilson Street, Condado, substation was almost completely destroyed by the explosion and resulting fire. Damage to the Taft Street, Santurce, facility was less severe. Total damage was estimated at over 10 million dollars.

BORINQUEN PEOPLE'S ARMY-MACHETEROS (EPB-MACHETEROS)

On that same date, a call was received at the "San Juan Star" newspaper from an unknown male who claimed credit for the action for the "Macheteros."

On Saturday afternoon, November 28, 1981, a one page communique from the EPB-PRTP-Macheteros was left near "United Press International" office in Santurce. In the communique, the EPB-Macheteros claimed responsibility for the Friday, November 27, 1981, attacks on the PREPA substations.

No suspects have been developed.

STAR GROUP (GE)

This group has claimed responsibility for a total of one incident.

GE is an armed clandestine movement within the rank of the Electrical Industry and Irrigation Workers Union (UTIER).

On August 27, 1981, at approximately 10:28 p.m., two explosions occurred at the Autoridad Energia Electrica (Puerto Rican Electric and Power Authority) Substation, Carolina, Puerto Rico. Responding Police of Puerto Rico Bomb Squad personnel discovered two additional unexploded bombs at the scene. These devices apparently failed to detonate due to damage to critical components caused by the first two explosions.

Damage to the substation was estimated at approximately \$20,000. No suspects were identified and no injuries or fatalities resulted.

Shortly after the explosions occurred, news agencies in San Juan were advised telephonically that the bombings were perpetrated by the GE.

No suspects have been developed.

PEOPLE'S REVOLUTIONARY COMMANDOS (CRP)

This group has claimed responsibility for a total of three incidents.

The CRP is a clandestine terrorist group which has claimed responsibility for eight bombings in the San Juan area since October 11, 1977. The CRP has published communiques claiming responsibility for these bombings and has stated in this communique, "We fraternally salute all revolutionary and clandestine organizations that emerge in these historic moments, and we hope that soon we will unite all efforts for the creation of a powerful revolutionary army of the people."

On January 8, 1981, three incendiary devices ignited.

At 9:20 a.m., the first of three incendiary devices ignited at the Rio Piedras branch of the United States Post Office in Santurce, Puerto Rico. On January 9, 1981, CRP claimed responsibility by communique for the three incendiary attacks that occurred on this date. These communiques were received by "United Press International," San Juan, and "Associated Press," San Juan.

No suspects have been developed.

At 9:25 a.m., the second of three incendiary devices ignited at the Rio Piedras branch of the United States Post Office in Rio Piedras, Puerto Rico. On January 9, 1981, CRP claimed responsibility by communique for three incendiary attacks. These communiques were received by "United Press International," San Juan, and "Associated Press," San Juan.

No suspects have been developed.

At 9:45 a.m., the third of three incendiary devices ignited at the United Post Office branch in Ponce, Puerto Rico. On January 9, 1981, CRP claimed responsibility by communique for the three incendiary attacks that occurred on this date. These communiques were received by "United Press International," San Juan, and "Associated Press," San Juan.

No suspects have been developed.

NATIONAL LIBERATION MOVEMENT (MLN)

This group has claimed responsibility for a total of one incident during which one person was injured.

The MLN is a Puerto Rican independence group which advocates the use of violence to achieve independence for Puerto Rico. The MLN openly supports various Puerto Rican terrorist groups in Puerto Rico and the Armed Forces for National Liberation (FALN) in the continental United States.

FBI investigation has determined that the MLN maintains very close ties to the FALN. It has also been determined that many of the MLN members are relatives of known FALN terrorists.

On November 27, 1981, at approximately 2:45 a.m., at least eight shots were fired at the main gate of the United States Army Post, Fort Buchanan, Puerto Rico, by unknown suspects. One military policeman on duty at the gate was wounded in the left arm.

Approximately nine hours after the shooting incident, an anonymous caller telephoned the "United Press International" office in San Juan and claimed credit for the shooting in the name of MLN.

No suspects have been developed.

OTHER GROUPS

BLACK BRIGADE (BB)

This group has claimed responsibility for a total of one incident.

It probably evolved as the result of the revolution of Liberia which changed the power base from the immigrant population to the indigenous population.

On August 20, 1981, at 1:40 a.m., the United States State Department telephonically advised that the Liberian Chancery, 5201 16th Street, N.W., Washington, D.C., had been set afire. A letter was found attached to the front door stating a group calling themselves the "BB" had set the fire in protest.

No suspects have been developed.

CONCERNED SIERRA LEONE NATIONALS (CSLN)

This group has claimed responsibility for a total of one incident.

This is a group of dissident Sierra Leone Nationals who demanded that the incumbent President of Sierra Leone resign.

On September 9, 1981, eleven members of the CSLN appeared at the Chancery of Sierra Leone, physically and verbally accosted the Charge D'Affaires and Chancery personnel, and demanded that a telegram be sent to the President of Sierra Leone instructing him to resign. FBI Washington Field Office, United States Secret Service Uniformed Division, and the Metropolitan Police Department responded to the scene and all eleven were arrested.

Eleven subjects were arrested and charged.

OTHER DOMESTIC GROUPS

COMMUNIST WORKERS PARTY (CWP)

This group has claimed responsibility for a total of one incident.

The CWP, aka Workers Viewpoint Organization (WVO), envisions itself as the political party of the United States multi-national working class. Its members come from all backgrounds and nationalities. Their immediate goal is to overthrow the United States Government by violence and the establishment of a socialist system - the dictatorship of the proletariat. Their ultimate aim is communism.

On September 22, 1981, at about 1:15 a.m., a powerful bomb exploded in front of the offices of the Eastern Rugby Union of America. The Union offices are located at 406 State Street, Schenectady, New York. The bomb was placed in the corridor on the second floor and damage was estimated at \$40,000. There were no injuries reported and no known witnesses. The explosion was preceded by a telephone warning to a radio station in Schenectady. An employee at the radio station said he received a call from an anonymous female at 1:00 a.m. The call was not taped but he reports the caller said "a bomb will go off in Schenectady regarding the rugby match." He neglected to notify the police.

Later that morning about 9:00 a.m., a telephone call was received by another local radio station and credit was claimed for the bombing by the Black Liberation Army (BLA).

Although this was claimed by a supposed member of the BLA, information obtained through investigation suggests that members of the CWP were probably responsible for this bombing.

REVOLUTIONARY COMMUNIST YOUTH BRIGADE (RCYB)

This group has claimed responsibility for a total of one incident.

The RCYB forms a part of the Revolutionary Communist Party (RCP) which believes in the use of force and violence to overthrow the United States Government.

On February 9, 1981, at 3:00 p.m., Victor Tomseth, a former hostage in Iran, was addressing an audience when he was assaulted by two individuals. A male and a female approached the stage and ignited a yellow ribbon soaked in a flammable liquid and threw it at the former hostage. Upon their arrest the two individuals claimed to be members of the RCYB.

Both subjects convicted on charges of second degree arson.

SECTION C

SUSPECTED TERRORIST INCIDENTS IN 1981

The following incidents were not claimed by any terrorist group but because of the type of target or the method of attack, they are suspected to be terrorist acts:

1. An explosive device detonated at the Anaheim Convention Center, Anaheim, California, on June 3, 1981. The explosion caused about \$2,000 worth of damage but no deaths or injuries. The Convention Center was the proposed site for a performance of the Turkish Folk Ballet on June 5, 1981. The Ballet group was to perform at a number of locations around Anaheim and it was known that a large group of Armenians planned to protest the performances. Armenian terrorists are suspected in this incident.

2. On August 27, 1981, pipe bombs detonated at three commercial establishments in the Detroit, Michigan area; the Belgrade Bakery, 24057 Van Dyke, Centerline, Michigan; Kalandae World Travel, 19741 Van Dyke, Detroit, Michigan; and the Nitra Travel Agency, 11657 Jos Campau, Hamtramck, Michigan. All were slightly damaged by pipe bombs. These establishments are all owned by Yugoslav Americans and Detroit police advised their street sources indicated that disgruntled Albanians were responsible for the attacks.

It is noted that Croatian terrorists have cooperated with Albanians in demonstrations and protests over the difficulties which Yugoslavia is having with its Kosovo region. Croatian terrorists have, in the past, used pipe bombs and it is possible that they assisted the Albanians in this activity. There were no claims by any group, organization, or person for these bombs and investigation is continuing.

3. On October 24, 1981, a pipe bomb exploded at the American European Market, 11916 Jos Campau, Hamtramck, Michigan. There was only minor damage and no injuries or deaths occurred. This incident was similar to the three pipe bombs on August 27, 1981, in that the market is owned by a Yugoslav American, it is in the same area and a pipe bomb was used. Disgruntled Albanians and Croatian terrorists are also suspected in this bombing.

4. On October 20, 1981, at approximately 3:55 p.m., a Brinks armored car making a currency pickup at Nanuet National Bank, Nanuet, New York, was robbed by four unknown persons armed with shotguns and automatic weapons. In the robbery one Brinks guard was killed and two were wounded. The suspects fled with \$1,589,000 in currency. After leaving the scene in a red van, the subjects fled

to a nearby shopping center, abandoned the van and entered a U-Haul vehicle at the entrance to the New York State Thruway. When the police attempted to question the occupants of the U-Haul, a gun fight ensued, two police officers were killed, and an unknown number of suspects escaped on foot. A yellow Honda, leaving the scene at a high rate of speed, was pursued by officers. As a result of the shootout at the U-Haul and the crash of the Honda, police arrested Judith Alice Clark, Samuel Brown, Kathie Boudin, and David Joseph Gilbert. All these individuals were known as members and associates of radical and subversive groups of the sixties and early seventies. When search warrants were executed at their residences, police found extensive false identification, weapons, ammunition, explosives, paramilitary training manuals, and radical and subversive literature and publications. There was also evidence of a network of safehouses and a coalition of members from the Black Liberation Army, Republic of New Africa, and the May 19 Communist Organization banded together to perform criminal activity.

Five previous robberies or attempted robberies have since been associated with the group responsible for the October 20, 1981, robbery by modus operandi.

- A. On February 20, 1980, an attempt was made to rob an IBI armored truck making a delivery to a Korvettes Department store, Scarsdale, New York, by three Negro males with handguns and shotguns. Getaway van rented by white female with legitimate citizen's identification.
- B. On February 25, 1980, an armored car was robbed of \$52,000 by two Negro males with shotguns and handguns at Bronx, New York, during which a guard was killed. Getaway van rented by white male using identification of legitimate citizen.
- C. On April 22, 1980, at Inwood, Long Island, New York, a Purolator truck was robbed of \$529,000 by five Negro males with automatic rifles, shotguns and 9mm handguns. Escape made in van rented by white female with identification of legitimate citizen.
- D. On March 23, 1981, an attempt was made to rob a Purolator truck in Danbury, Connecticut. The driver was wounded. Four Negro males made their getaway in a van rented by a white male with legitimate citizen's identification.
- E. On June 2, 1981, Brinks truck at Bronx, New York, was robbed by three Negro males with shotguns, automatic rifles and 9mm handguns. They opened fire, killing one guard and wounding another. The getaway car (station wagon) was rented by white male with legitimate citizen's identification. There was a \$292,000 loss.

These incidents are significant with regard to terrorism because of the individuals involved and the ideologies of the groups they represent. However, so far it appears that they were involved in criminal activity only for their own profit and not necessarily for political or subversive reasons. Investigation into the nature of these incidents and the groups and individuals involved is continuing.

SECTION D

ACCOMPLISHMENTS OF FBI COUNTERTERRORISM PROGRAM IN 1981

Eleven members of the Concerned Sierra Leone Nationals (CSLN) were arrested and charged with violation of the Act for the Protection of Foreign Officials after they took over the Chancery of Sierra Leone in Washington, D.C. The United States Attorney is considering future action against these individuals.

Michael Eugene Perdue and nine others were arrested and charged with violations of neutrality, gun control, and munitions control statutes because of their involvement in a plot to attack the Caribbean Island of Dominica. Perdue and his associates had chartered a boat and loaded it with explosives, small arms and ammunition. Apparently, their plan was to sail the boat to Dominica, and with the aid of local insurgents, invade the Island and overthrow the Government. Arrested with Perdue were Michael Stanley Morris, Wolfgang Walter Droege, Robert William Prichard, Jr., William Burnett Waldrop, Jr., Christopher Billy Anderson, Joe Daniel Hawkins, George Taylor Malvaney, Stephen Don Black, and Larry Lloyd Jacklin. All participants, except one who was acquitted, either pled guilty or were convicted and are serving a three year sentence.

Alpha 66 members, Maximo Fernandez, Florenzio Fernandez, Ramiro Rodriguez Fuentes, Eduardo Herrera, Jose Luis Escobar Martinez, Jorge Acevedo Avilo, and Elioberto Pulido Musterio were arrested by the FBI at Knights Key, Florida, while in the possession of numerous weapons and explosive devices. They planned to travel to Cuba by ship to conduct sabotage and assassinations. Recovered at the arrest were explosives, one 55mm anti-tank rifle, seven 38 caliber revolvers, one colt AR-15 semi-automatic rifle, and two Heckler and Koch semi-automatic rifles.

Six of the seven pled guilty to a ten count indictment charging them with being aliens illegally and unlawfully in the United States and knowingly receiving, possessing, and transporting firearms. Charges against the seventh defendant, Eduardo Herrera, are still pending, due to motions to suppress some of the evidence against him.

A Cuban Nationalist Movement (CNM) member, Jose Tenreiro, was convicted of perjury on March 6, 1981, and was sentenced to two years in the custody of the Attorney General.

Armando Santana, a prominent member of the CNM in New Jersey, was arrested for passport violations and local charges after a search warrant was executed at his residence and an illegal passport, weapons, and drugs were found.

Eugene Tafoya, an ex-member of the United States Army Special Forces, was arrested and convicted of third degree assault and conspiracy to commit third degree assault for his attack on Faisal Abdula Zagallai on October 14, 1980. This case was significant because Zagallai, a Libyan student, is an outspoken critic of Colonel Mu'ammur Qadhafi and it was believed that Tafoya may have been working for the Libyan government. It was investigated by the FBI as an PCI-Terrorism case and assistance was rendered to the local police. Tafoya was sentenced to two years in jail and investigation into the possibility of his connection to the Libyan government is continuing.

As a result of the investigation of the assassination of Ali Akbar Tabatabai, Horace Anthony Butler was convicted of being an accessory after the fact to first degree murder and for the unauthorized use of a motor vehicle. Ali Abdul Mani was convicted of being an accessory after the fact to first degree murder. Tyrone A. Frazier, a Postal Service employee, pled guilty to Federal bribery charges. David Belfield, the alleged gunman, remains a fugitive.

In addition, there have been at least 13 convictions against members of the Islamic Guerrillas in America for weapons and related charges through the course of this investigation.

Naser Rahimi Almaneih, an anti-Khomeini Iranian, was sentenced to serve 50 years for the bombing of a Berkley high school convention of pro-Khomeini Iranian students on August 20, 1980.

Iranian students, Hamid Giuseppe Arjomand, Keyvan Sabery, and Ramin Karimpour, were arrested at Burlington, Vermont, and charged with violation of Title 26, U.S. Code Sections 5861 and 5871, receipt and possession of unauthorized weapons. These individuals attempted

to purchase an M-16 automatic rifle and a submachine gun from an undercover FBI Agent. All three later pled guilty.

Twenty four members of the People's Mujaheddin Organization of Iran (PMOI) were arrested for the takeover of the Iranian Interest Section of the Algerian Embassy. They later pled guilty to a charge of entering a diplomatic establishment to cause damage and were sentenced to one year in prison-suspended, probation and 25 hours community service.

Akbar Maleki Nauchedehi, an employee of the Iranian Interest Section, was arrested for shooting one of the members of the PMOI after the takeover of the Iranian Interest Section.

Mark Levey was arrested by the FBI in Los Angeles and charged with the bombing of a Nigerian vehicle in New York. The bombing had been claimed by the Thunder of Zion Faction of the Jewish Defense League, and Levey is a suspect in a number of similar incidents.

Michael Albert Hawkins was arrested in Albany, New York on weapons violations charges for his activity on behalf of the Palestine Liberation Organization.

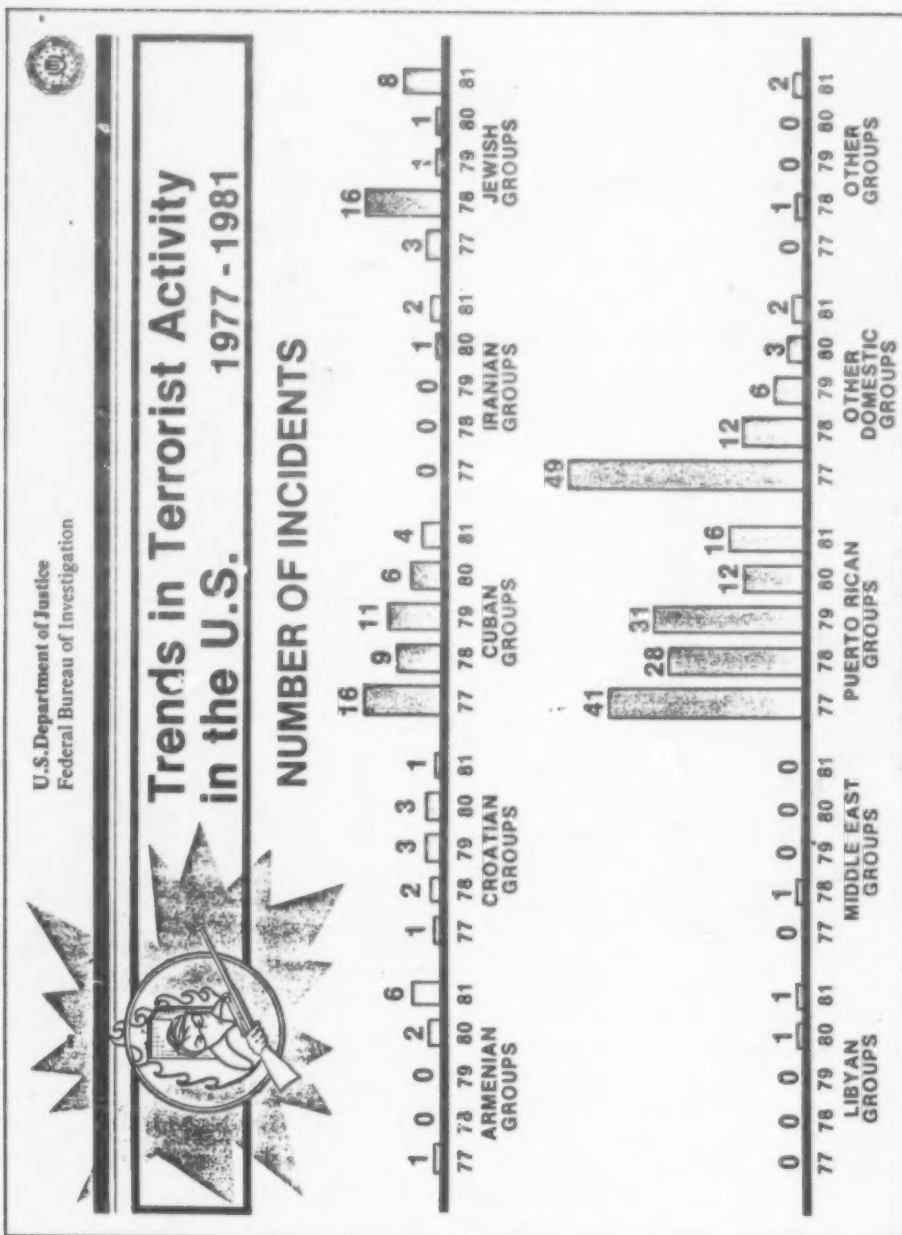
FBI assistance contributed to the conviction of Mohammed Shabata on a charge of second degree murder for the killing of a fellow Libyan student, Nabil Manacur, at Weber State College in Ogden, Utah.

As a result of the investigation of the 42 claimed terrorist incidents in 1981, suspects have been developed in seven of the incidents. Arrests have been made in four of the incidents and convictions have been obtained in two incidents.

In 29 of the incidents, no suspects have been developed but they are still under investigation by either Federal or state authorities.

SECTION E

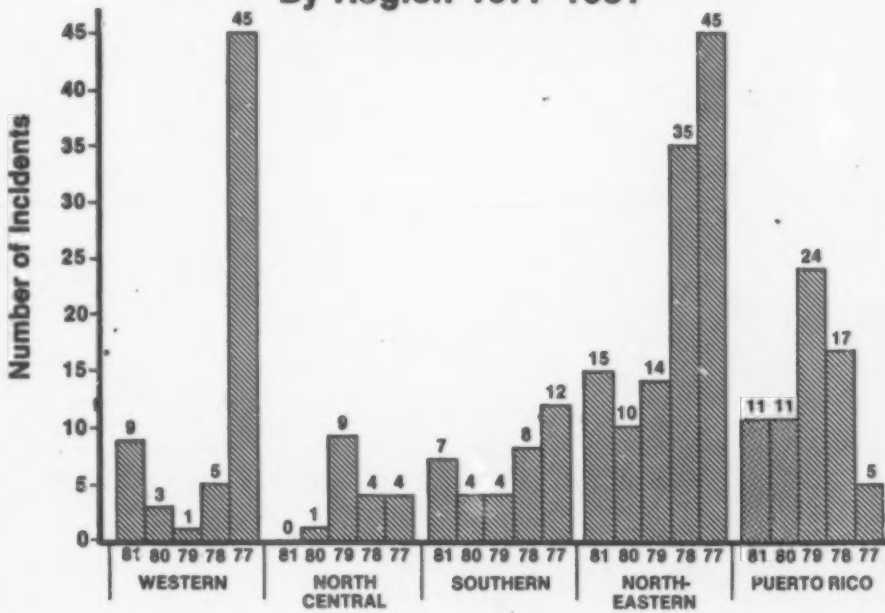
TRENDS IN TERRORIST ACTIVITY IN THE U.S., 1977 - 1981



CLAIMED TERRORIST INCIDENTS BY REGION 1981



Comparison of Claimed Terrorist Incidents By Region 1977-1981



Question 28:

In the past, pursuant to Executive Order 10450, the FBI maintained extensive files on individuals which chronicled their involvement in subversion, terrorist and extremist activities and organizations. These files were maintained in order to be able to perform security checks in the event such individuals applied for employment with the Federal Government.

From the testimony received at a hearing which I chaired on the proposed destruction of such files maintained by the former Civil Service Commission (now the Office of Personnel Management), it appears that such files are no longer maintained by the FBI.

What effect does this have on the Bureau's ability to participate in employee background investigations?

What is the status of the Federal Employment Security Program and of the FBI's role in it?

Is there presently a program in operation which enables the Federal Government to perform effective security checks on prospective employees?

Answer:

No FBI Headquarters files related to subversive, terrorist or extremist activities by individuals or organizations have been destroyed. The information appearing in these files documenting such activities is readily retrievable and is disseminated to other Government agencies pursuant to the provisions of Executive Order (EO) 10450.

The provisions of EO 10450, as amended, became effective on April 27, 1953, and serves as the basic authority under which most personnel investigations are conducted at the present time involving applicants and employees in the Executive Branch.

EO 10450, in its preamble, states that the interests of the national security require all persons privileged to be employed by the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States.

Section 2 requires the agency head to maintain an effective program to insure employment or retention of applicants and employees is clearly consistent with the interests of national security.

Section 8 lists the factors for developing information which is of investigative and, by inference, adjudicative interest.

Section 13 states: "The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee security program."

Chapter 732 of the Federal Personnel Manual instructs that before an agency issues a letter of charges under EO 10450, the Department of Justice shall be consulted to assure that the rights of the employees are fully considered.

Available information indicates that difficulties of proof imposed by the courts in loyalty and security cases are considered almost insurmountable and as a result no removal or other adverse actions have been taken on these grounds for several years and the adjudicative basis has shifted from loyalty and security to suitability. Thus,

favorable determinations are said to be based on EO 10450 while unfavorable decisions almost always rely on the suitability provisions of Civil Service Regulations.

RESPONSIBILITIES OF THE FBI

The responsibilities of the FBI under EO 10450, as spelled out in that Order, include the following:

1. Name check
2. Fingerprint check
3. Dissemination of loyalty and suitability information
4. Investigative

Name Check and Fingerprint Check

Section 3 (a) provides that the appointment of each civilian employee shall be made subject to investigation but in no event shall the investigation include less than a national agency check, including a check of the fingerprint files of the FBI.

Although the scope of a national agency check is not specified in EO 10450, Chapter 736 of the Federal Personnel Manual defines a national agency check as including a check of the fingerprint files, Identification Division, FBI, and of the investigative files of the FBI.

Since the passage of Public Law 298 in 1952, the Civil Service Commission (CSC), now the Office of Personnel Management (OPM), has been charged with the major responsibility for conducting full field investigations. Information developed through the national agency check is used by OPM and the agencies receiving results of the complete background investigation in making employment and security adjudications.

Dissemination Responsibility of the FBI

Section 5 of EO 10450 provides:

Whenever there is developed by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representatives...

If the FBI receives information coming within the provisions of this section, the FBI has the responsibility to disseminate it whether it be of a suitability or loyalty nature. Chapter 736 of the Federal Personnel Manual contains language similar to that in Section 5. The conditions for the type of information involved are set forth in Section 8 of the Order.

Investigative Role of the FBI Under EO 10450

Section 8 (d) reads as follows:

There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of

Investigation shall make a full field investigation.

Since 1953, 43,901 cases in the Security of Government Employees category have been opened at FBI Headquarters.

STUDIES OF PERSONNEL SECURITY PROGRAM

There have been numerous studies, restudies, and discussions of EO 10450 and a Federal Personnel Security Program throughout the years.

A landmark study was made by the Commission on Government Security (Wright Commission) under authority of Public Law 84-304. Its report dated June 21, 1957, made sweeping recommendations for change, however, these recommendations were never adopted.

In 1965, a Presidential study group headed by John W. Macey, Jr., then Chairman of the CSC, made extensive recommendations, which resulted in modifications in the Personnel Security Program for Federal Employees.

During 1971-1972, extensive hearings were held by the Subcommittee on Loyalty-Security of the House Committee on Internal Security. Its findings and recommendations were published in a report dated January, 1973, entitled "The Federal Civilian Employee Loyalty Program." No action has been taken on this report.

In 1974, the FBI was represented on the Department of Justice task force formed to discuss developments in administering EO 10450 including problems arising as a result of court decisions, proposals by the CSC in the suitability area, recent legislation (both enacted and proposed), the demise of the Attorney General's list, and changes needed in EO 10450. This task force, which also included representatives from the CSC, Department of Defense, Department of State, Atomic Energy Commission, and the Department of Treasury, met on several occasions in 1974. No final recommendations were made by this task force.

The General Accounting Office has released its report of December 2, 1974, on "Personnel Investigations: Inconsistent Standards and Procedures." It was sent by the General Accounting Office to the Chairman, Internal Security Committee; Director, Office of Management and Budget; and the Chairmen, House and Senate Committees on Appropriations, Post Office and Civil Service, and Government Operations. Briefly, the General Accounting Office recommended with certain exceptions, personnel security investigations should be consolidated into two agencies - Department of Defense, and the CSC; and a central body be established to adjudicate all cases involving positions in the civilian service.

In 1979, the General Accounting Office conducted a study and issued a report, number FPCD-79-79, captioned "Costs of Federal Personnel Security Investigations Could and Should Be Cut."

During 1980, the FBI participated in a study with representatives of the Treasury Department, the Department of Defense, OPM and the U.S. Postal Service concerning the Federal Personnel Security Investigations Program. A draft study on the implementation of General Accounting Office recommendations for modifications in the conduct of Federal personnel security investigations were made and set forth in a preliminary report in June of 1980.

Question 29

Please characterize the nature and degree of coordination by the FBI with other agencies in order to be responsive to terrorist activities.

Please list the other agencies that the FBI coordinates within this effort.

Have there been any improvements in the last year in coordination among the various agencies and the FBI? Are there additional improvements needed? What are they?

Answer:

The FBI in its role as the United States Government's "lead agency" to combat terrorism in the United States has constant, continuous and excellent cooperation with the other Federal agencies involved in the effort to counter terrorist activity.

As you are aware the FBI's jurisdiction and purview concerning terrorism is within the continental United States, Alaska, Hawaii and Puerto Rico. Because many of the terrorist groups active in the United States are international in scope, it is imperative that the FBI work very closely with other Government entities such as United States Department of State (USDS), Central Intelligence Agency (CIA), National Security Agency (NSA), and the various military intelligence organizations that collect intelligence on the international scene.

The government agencies with which the FBI coordinates its effort to prevent or react to terrorist activities are Department of Justice, USDS, United States Secret Service, United States Immigration Service, United States Customs, United States Coast Guard, Federal Aviation Administration, Federal Emergency Management Agency, CIA, the various military intelligence organizations and numerous state and local agencies involved in investigating terrorist acts.

Because of the continuous contact with the other agencies, the coordination between the FBI and the other agencies is excellent. Any minor concerns that arise in the cooperative effort are quickly and efficiently removed by liaison and discussion.

Question 30:

How does the FBI plan to coordinate its intelligence and investigative activities with the CIA's new responsibilities for investigating international groups within the United States?

Answer:

While it is true that Executive Order 12333 removes the prohibition of Executive Order 12036 against CIA and other agencies undertaking activities which would influence an organization or its members in the United States through undisclosed participation, this expanded technique is not viewed as a new responsibility of the CIA but rather an enhanced authority. It should be noted that this ability of CIA is limited to organizations composed primarily of persons who are not U. S. persons and which are reasonably believed to be acting on behalf of a foreign power.

Should a group of interest to the CIA meet this rather narrow criteria, the authority to influence the organization has two other prerequisites: (1) it must be done in accordance with procedures approved by the Attorney General, and (2) coordinated with the FBI.

The various intelligence agency procedures are currently under review but they will continue to spell out the standards

for approval of such activities. The agreements between the FBI and CIA require the CIA to present its proposals in advance to the FBI with the caveat that if agreement cannot be reached with regard to the proposal, the activity may not be undertaken until the issue is resolved.

The FBI intends to continue to exercise its responsibility to coordinate the foreign intelligence collection and counterintelligence activities of other intelligence agencies within the United States in accordance with the above.

Question 31:

In an interview which Judge Webster gave on Sunday, January 3, 1982, on ABC Television, he stated that the major thrust today in Soviet and Soviet Bloc countries is technology transfer. Would you describe the problem in more specific terms, as you see it.

How does the Bureau balance its Foreign Counter Intelligence (FCI) interests with its criminal enforcement responsibilities in this area, for example, in some instances the Bureau presumably permits the technology to be exported illegally in order to preserve its FCI investigation. Please explain.

Answer: A classified answer was given.

Question 32:

At last year's authorization hearing, it was stated by the FBI representative that "there are a number of areas where we believe our ability to do our job can be enhanced if there were some fine tuning effected regarding certain statutes." Senator East requested that the Subcommittee receive a catalog of the areas, statutes and impediments referred to but it has not been received.

It is the Subcommittee's understanding that the Department has held the report, and we would appreciate any information you might furnish on the reason for the delay.

Answer:

The report referred to in your question was a letter dated April 21, 1981 to Senator Denton from Director Webster identifying certain major legislative issues that impact heavily on FBI operations. This letter was not delivered to the Subcommittee by the Office of Legislative Affairs, Department of Justice, following a review and determination that the catalog of legislative needs should not be released in that the new Administration had not yet reviewed and prepared legislative views on several of these items.

To secure a copy of the referenced letter, I suggest that the request be made to the Office of Legislative Affairs, Department of Justice.

Question 33:

Concerns about the quality of forensic science technical capabilities have been raised by proficiency tests conducted by the Forensic Science Foundation. Are FBI-offered courses designed to develop competency among State and local personnel? If the FBI courses

are only introductory in nature, what basis do we have for measuring whether they are beneficial in improving State and local capabilities?

Answer:

Courses offered at the FBI Academy in the forensic science area are designed to enhance existent skills. These courses provide for appropriate scholastic and practical tests toward the end of the courses in order to measure achievement within the academic setting. Grades given to students reflect the level of achievement obtained as a result of course attendance and participation. Each course is targeted at a particular population with an indicated level of existent skills and are designed toward increasing the level of skills while in the academic environment. Tests, of course, are directed toward the increased level of skills. These courses extend from those basic in nature through graduate level, accredited courses in subjects of very complicated technology.

Since competency is measured by successful application of acquired academic skills, the FBI has no actual field competency measurement program. However, a measure of developed competency in the local laboratories is documented by over 2,000 student course applications presently on file from agencies who have personnel working in their departments who have previously attended forensic courses offered at the FBI Academy.

Question 34:

How has the Bureau restructured its activities to reflect the Department of Justice's new emphasis on controlling violent crime?

Answer:

The FBI's commitment to the fight against violent crime may be viewed in terms of our current investigative and training efforts rather than a organizational restructuring.

For example on January 21, 1982, Attorney General William French Smith delegated to the FBI concurrent jurisdiction with the Drug Enforcement Administration (DEA) relative to investigation of violations under the Controlled Substances Act, Title 21, U.S. Code.

Pursuant to the Attorney General's directive, the FBI and DEA will place strong emphasis on major distributors and organizations involved in the manufacturing, importing, distributing and financing of illicit controlled substances. This will entail a substantial effort on our part to combat what the Attorney General has identified as the number one crime problem in the United States.

The FBI's Organized Crime Section currently handles our narcotics investigative responsibilities and has played a significant role in the overall Federal effort to control organized criminal activity that impacts heavily on American society.

The Organized Crime Section, in general, targets, as its highest nationwide priority, the La Cosa Nosta (LCN). The LCN remains a powerful network of inter-related "family" groups which continually use violence and corruption to backstop its lucrative and wide-ranging criminal enterprises. All of the Organized Crime Section's various programs, in targeting the LCN, address the violent aspects of the LCN, at least indirectly, through investigative efforts directed at obtaining successful prosecutions of its leaders, members, and associates which are aimed at weakening its criminal structure and neutralizing its influence in our society.

More particularly, though, in addressing this issue of violent crime, among the programs managed by the Organized Crime Program, are several which focus in a more direct way on combating violent crime in our society. These programs include: Gangland Murders, relative to the LCN, and Non-Traditional Organized Crime. The latter program includes investigations directed against, outlaw motorcycle gangs, prison-spawned gangs and other ethnic, racial or regional organized crime groups.

The FBI is also stepping up efforts to enforce the provisions of the Fugitive Felon Act that provides authority for the FBI to locate and apprehend dangerous criminals who flee from the state and local authorities to avoid prosecution. Emphasis is placed on individuals charged locally with a violent or serious crime such as murder, rape, robbery, aggravated assault, and major narcotic violations.

We currently aggressively solicit unlawful flight cases involving violent or major offenders from state and local authorities. The effectiveness of this effort is shown by recent data indicating that, at the current rate of new unlawful flight cases being opened, the volume of new matters will increase from approximately 2,700 in FY 1981 to approximately 4,000 during FY 1982.

The FBI has assumed investigative responsibility to locate and apprehend approximately 10% of the Drug Enforcement Administrative fugitive workload. All of the fugitive cases referred to the FBI from DEA are Class I and Class II violators believed to be in the United States. The FBI now has approximately 300 pending DEA fugitive cases; DEA offers between 10 and 20 new cases to the FBI each month.

Traditional FBI investigative programs involving bank robberies, extortions, kidnappings, aircraft hijackings, threats against national leaders continue to be vital objectives in our Personal Crimes Program. Our efforts in these areas provide a major contribution in reducing the impact of these types of crimes nationally.

The Training Division has outlined a five-year plan to deliver programs of training and investigative support to state and local law enforcement agencies using the manpower, resources, and structure currently in place. The plan involves a nationwide assessment of training needs to be completed by June, 1983; an increase in emphasis on the theme of violent crime in all aspects of FBI education and training; equipping Bureau speakers and field police instructors with violent crime training packages; providing additional consultation and support such as crime analysis and criminal personality profile construction in major cases under the police cooperation classification; and identifying programs, activities and persons accomplishing decreases in violent crime and affording them high visibility and national recognition by conducting national conferences, seminars and symposiums eventually leading to a nationwide coordinated philosophy and approach to control violent crime in the United States.

Has this restructuring affected the staff years available for other Bureau priorities? (Organized crime, white collar crime, and foreign counterintelligence were the top three priorities.)

Answer: A classified answer was given.

Question 35:

How will Bureau activities be changed by its new responsibilities concerning drug enforcement? Will there be a shift in resources and priorities or will more resources be requested?

Answer:

The FBI has significantly increased its workload in narcotics-related investigations during the last year. Now, with our newly designated responsibilities, it appears that many of our other investigative priorities, which require a significant amount of resources, will be investigated if resources permit or placed on a "back burner" for an extended period of time until sufficient resources are available.

The Bureau is presently conducting an in-depth survey addressing the impact of concurrent jurisdiction of narcotics violations on our personnel and resources presently committed to other investigative activities. The objective of this research is to identify lower priority investigative programs that are presently utilizing resources that could be more appropriately concentrated on narcotics investigations.

We are also reviewing and evaluating needs for resources other than for investigative personnel which are made more critical by our new role in narcotics investigations. Such areas include voice privacy equipment for our FM radios, automation of our field office operations, expansion of automated investigative information systems to increase our investigative effectiveness, increase in equipment to support Title III electronic surveillances, and the increase of informant coverage and undercover operations.

Question 36:

How does the Bureau coordinate its training at Quantico with that of other Federal facilities such as the Federal Law Enforcement Training Center in Glynco, Georgia?

Answer:

FBI Academy training programs are specifically designed to address the documented training and developmental needs of the FBI and local, county and state personnel. The Federal Law Enforcement Training Center (FLETC) was established in 1970 to serve as an interagency training facility for Federal police officers and criminal investigators. Unless unusual circumstances are present, all requests for FBI Academy training by other Federal agencies are referred to FLETC. Due primarily to economic factors, exceptions have been allowed for the use of the FBI Academy facilities to host such activities as the Annual Attorney General Seminars and the 1981 Inspector Generals Seminar sponsored by the Office of Management and Budget. Although the clientele of both facilities differ, a close working relationship has developed in which respective administrative and training staffs have exchanged visits as well as state-of-the-art instructional materials and methods in such areas as criminal investigation, interviewing, and economic and financial crime matters. Continued liaison and cooperation between both facilities is maintained through FBI representation on the Center Interagency Working Group, as well as periodic contact with both the Director of FLETC, A. F. Brandstatter, and Department of Justice representative, Mr. Jack Conyers.

Question 37:

What academic research projects are FBI Academy-based instructors currently doing in the area of terrorism?

Answer:

The Special Operations and Research Unit at the FBI Academy is conducting five ongoing research projects on terrorism. They are:

1. The Terrorist Organizational Profile: A Psychological Role Model -- an examination of the social roles,

group dynamics, and structural-functional aspects of modern terrorist groups.

2. Improvised Explosive Devices, Incendiary and Explosive, Used by Modern Terrorist Groups -- an analysis of such devices as used by various terrorist groups in their operations.
3. Specific Terrorist Incident Survey and Critique -- an examination of terrorist incidents to identify tactics and subsequent training requirements which determine the level of sophistication of terrorist groups.
4. Weapons Research on Arms used by Terrorist Groups -- each terrorist incident is examined to identify the weapons used and an evaluation of the suitability of the weapon selection for the mission.
5. Continuing liaison with other counterterrorist forces to identify their tactics in specific encounters -- this includes an examination of their training and cross training with such groups, discussions of selection, motivation, and retention problems.

Question 38:

Would you please describe the Government's Antiterrorism Program and your agency's role within that program? Also, what is your understanding of the specific roles, if any, of the National Security Council and the Department of State?

Answer:

The United States Government's Antiterrorism Program has the dual function of preventing terrorist incidents and responding quickly, efficiently and professionally to those incidents which do occur. The Department of State has been designated as the governmental agency responsible for terrorist incidents outside the United States and the FBI has the primary investigative responsibility with respect to the incidents and activities of terrorists in the United States.

The procedures for handling terrorist incidents is explained in "National Security Decision Directive Number 30", entitled "Managing Terrorism Incidents."

Due to the fact this is a classified document, the contents are not being restated here.

Question 39:

Does the Bureau have a program to assess the risk or vulnerability of potential United States terrorist targets? How does the Bureau forecast the number of terrorist incidents anticipated during the fiscal year?

Answer:

The FBI does not have a formalized program specifically tasked to survey potential terrorist targets in the United States and assess the risk or vulnerability of the potential target. What it does have is contingency plans in each of its field offices that are prepared to react to an incident in its territory. In the preparation of such contingency plans potential targets would be located and a certain amount of specifics would be recorded concerning the potential targets.

The only prediction of terrorist incidents that is done by the FBI at this time is for budget purposes. These figures are arrived at by comparing the numbers of incidents in the last few

years, the number of groups active, their propensity for activity and then making a projection based on these comparisons.

Question 40:

How does the FBI develop and update contingency plans to assure an effective and timely response to violent criminal acts of terrorism, given that the methods and targets of terrorist groups are constantly changing?

Answer:

Each field division of the FBI is responsible for the preparation of contingency plans for their territory. The preparation of these plans include the survey of potential terrorist targets and the particular problems that can be expected to be experienced if an incident should occur. The plans would also take into consideration the variety of techniques used by terrorists and how each should be responded to.

In addition to the contingency plans prepared by each field office, Federal Bureau of Investigation Headquarters (FBIHQ) has a prepared contingency plan that would be put into effect if a terrorist incident occurs in the United States.

These plans, both in the field and at FBIHQ, are continuously being revised to ensure that they are accurate, appropriate and timely.

Question 41:

The Working Group on Terrorism, composed of representatives of agencies with an interest in antiterrorism, meets as necessary to carry out its assigned responsibilities, which include information exchange, resolution of jurisdictional issues, and the coordination of the general antiterrorism activities of the various agencies. How would you evaluate the usefulness of this group in the United States Government's Antiterrorism Program, and have there been any changes concerning this group in the past year?

Answer:

The Working Group on Terrorism was a useful entity in that it allowed representatives of the various government agencies to meet on a regular basis to coordinate the efforts of the United States Government to combat terrorism by ensuring that all agencies represented were cognizant of the most current information and potential danger from terrorists.

This group is no longer functional and its responsibilities have been assumed by the Interdepartmental Group on Terrorism which is chaired by Ambassador Sayre of the United States Department of State.

Question 42:

At last year's authorization hearing, it was stated that the Tax Reform Act and the Financial Privacy Act have impeded the Bureau's ability to perform its investigative responsibilities by cutting off access to financial information.

Do these impediments still exist?

What steps, if any, have been taken by the Administration or the Congress to rectify the situation?

What steps should be taken in order to rectify the situation and to provide the Bureau with the investigative tools which it needs?

Answer:

Unfortunately these impediments are still in place. With regard to the Tax Reform Act, the Administration has sought and obtained hearings before the Senate Finance Subcommittee on Oversight of the Internal Revenue Service and the House Ways and Means Subcommittee on Oversight. S.1891, a comprehensive bill seeking to amend the Tax Reform Act of 1978 and carrying the full endorsement of the Administration, was introduced in November, 1981, by Senators Roth, Nunn, Rudman, and Chiles. This measure would provide the FBI with the necessary investigative access to IRS-held information while still protecting the confidentiality of information filed by individual taxpayers.

With regard to the Right to Financial Privacy Act of 1978, no legislative steps have been taken to amend this law. The FBI continues to experience difficulties in obtaining access to necessary financial information, particularly in foreign counterintelligence investigations.

Question 43:

For years, the FBI has provided all-expense paid forensic science training, as well as other types of training, such as the National Academy, for State and local law enforcement. That means the Federal Government has footed the bill for instruction, lodging and transportation of persons to Quantico. Although we must recognize that concerns over government budgets are not limited to the Federal level, is it not reasonable to expect State and local governments to share some of the direct training costs - travel expenses, for instance?

Is it not feasible to implement a post-testing procedure after the course, possibly in conjunction with a group such as the Forensic Science Foundation, so that we could have some assurance as to the impact of the FBI training effort?

Answer:

The FBI has historically provided cost-free training as a cooperative law enforcement effort since the 1930's. A change in this policy could have a deleterious effect on the FBI's effectiveness since for the past 45 years we have relied on the cooperation, manpower and resources of local law enforcement agencies to aid us in carrying out our Federal investigative mission. Specifically, in the area of forensic science it should be noted that in the spirit of cooperative exchange, many state and local laboratories presently provide free-of-charge examinations of FBI evidence and on-the-scene technical services in FBI cases.

Should the cost-free training policy be changed, many state and local jurisdictions as well as individual police officers would be unable to afford any portion of the costs of training provided by the FBI. This would immediately impact on the larger metropolitan departments in large eastern and midwestern cities which are suffering a declining tax base and a shrinking budget, as well as the small rural law enforcement agencies which have no funds available for training. It should be noted that due to the present economic conditions, New York City police officers are prohibited from receiving any external training in which a fee is levied against the city. Similarly, California laws prohibit travel funds to be expended for out-of-state training. A program in which the Bureau would charge for its training would result in an unequal distribution of training and place, for example, West Coast jurisdictions at a distinct disadvantage in utilizing Quantico-based training resources.

The matter of establishing post-testing procedures after the completion of courses is a responsibility of the individual

local laboratory. Many local laboratories on a voluntary basis are presently utilizing systems of proficiency testing as well as a variety of in-house and peer reviews. These systems address the issue of competency of personnel and should remain outside the purview or direction of the FBI.

No survey has been conducted in an attempt to measure the impact of the FBI forensic training effort. However, those who can best evaluate the training product are those directors of local laboratories who have personnel under their supervision who have received forensic training at the FBI Academy and are presently applying their acquired academic skills at the laboratory bench. These laboratory directors have on file over 2,000 applications for similar training for other employees in their laboratories.

Question: 44

Under the proposed Federal Tort Claims Act the liability of the United States for the Acts of its agents would include tort claims arising under the Constitution. The Senate version of the Act, S.1775, provides that the United States shall have available all defenses available to the employee, including "good faith" defense, whereas, the House version, H.R.24, does not include this provision. Do you consider it important that in such tort cases the United States be explicitly granted the use of the "good faith" plea?

Answer:

Yes. The qualified immunity or good faith defense goes to the merits of a claim by testing the action of an FBI Agent against a standard of reasonableness and good faith. If the defense were not available a recovery would result whenever a technical violation is shown, even though the Act was due to the honest mistake of an Agent. This would obviously result in an increased cost to the Government inasmuch as more judgments would have to be paid. There is also a hidden cost in that allowing for recovery for any technical violation would likely encourage the filing of a greater number of frivolous and/or harrassing lawsuits.

Deletion of the immunity defense could also lead to a perception on the part of the public that Government agents are increasingly violating the rights of citizens. This would be due to the increased number of successful constitutional claims which would result if the Government were not able to claim the good faith defense now available to an individual official sued in his personal capacity.

RESPONSES OF FBI DIRECTOR WEBSTER TO QUESTIONS
SUBMITTED BY SENATOR BIDEN

A. BUDGET

Question 1:

The Attorney General has suggested that the FBI will be working closer with state and local police on organized and violent crime cases. However, the budget proposed last year cut out a number of state and local training and laboratory assistance funds. Congress was able to block most of these cuts. What is the status of the state and local assistance program now and what is it expected to look like under the new proposed budget?

Answer:

The Fiscal Year 1982 State and Local Assistance Activity request is for 242 agent workyears, 3,384 support workyears and budget authority totaling \$87,414,000. This represents increases over the prior fiscal year of 31 agent workyears, 189 support workyears and \$5,614,000 in budget authority. The personnel increases reflect Congressional restorations to the FBI's General Law Enforcement Training program, as well as a technical adjustment by the OMB to adjust for a one-time workyear decrease to the Fingerprint Identification program in Fiscal 1981.

The Fiscal Year 1983 request is for 242 agent workyears, 3,184 support workyears and budget authority totaling \$93,374,000. This request is 200 support workyears less than the FY 1982 anticipated level. This proposed reduction in unfunded and unfilled support workyears occurs in the Fingerprint Identification Program. The increase of \$5,960,000 in budget authority over the FY 1982 amount is essentially due to uncontrollable increases and the October 1981 pay raise.

Question 2:

The FBI has 10% fewer agents, and is expected to carry out closer coordination with state and local agencies, focus greater attention on organized crime and now pick up the extremely important task of drug enforcement. How will the FBI be able to devote the attention necessary, particularly if the Administration again proposes cuts in your budget?

Answer:

It is true that the FBI's request for fiscal 1983 would provide for a total of 6,992 field agent workyears, which is 859 fewer workyears than the 7,851 field agent workyears which were provided for in the fiscal 1976 appropriation. In the intervening years, however, the FBI has successfully pursued implementation of the quality case concept which results in a more effective utilization of available manpower.

As a practical matter, the FBI will handle its increased responsibilities by giving increased emphasis to the higher priority drug enforcement work, while raising the cut-off point for other responsibilities which are considered to be of lesser priority. Also, certain economies of scale are expected to be realized because our new responsibilities should dovetail with the FBI's existing organized crime program to a certain degree. We are continuing to analyze resource requirements incidental to our new responsibilities in the area of drug enforcement.

Question 3:

In hearings last year, Senator East asked Judge Webster about morale at the Bureau. Let me ask you that question again after you had to fight proposed budget cuts last year and the expected cuts this year. What is the morale level of FBI agents and support staff today in light of proposed budget cuts?

Answer:

Morale of agents in the field is generally related to the work they are performing and the subsequent prosecution of that work. While there may be short-lived disappointments regarding scarce resources for equipment, etc., the overall morale is high. Our agents will see better staffing in their field offices, particularly in the support area, since there are currently no hiring freezes and we will be able to hire up to authorized levels.

Question 4:

Can you assure this committee that there will be adequate resources to work on organized crime, violent crime cases, drug cases and coordinate with state and local agencies?

Answer:

The FBI is cognizant of efforts to reduce government spending and improve the nation's economy. Compared to other areas of the government commonly referred to under the general heading "domestic spending", the Administration has strongly supported law enforcement. The FBI received some enhancements in the 1982 budget cycle and is generally maintaining the current level with the Administration's 1983 request. While we can always do more with more, improved investigative techniques and increasing use of our computer systems should provide us with adequate tools to accomplish our priority tasks.

B. FBI/DEA REORGANIZATION

1. Can you explain to this committee how the lines of authority and responsibilities will be drawn between Judge Webster and Mr. Mullen at DEA?

In delegating concurrent jurisdiction to the FBI to investigate violations of the Controlled Substances Act, Title 21, U. S. Code, along with the Drug Enforcement Administration (DEA), the Attorney General (AG) declared that the Administrator of DEA will function under the general supervision of the Director of the FBI, who in turn will report to the AG.

The AG has mandated that DEA will continue to function as a single mission drug enforcement agency which is responsible for the enforcement of the Controlled Substances Act, in cooperation with the FBI. In delegating concurrent jurisdiction with DEA to the FBI as it relates to the Controlled Substances Act, the AG has ordered that the FBI assume a significant drug enforcement role working in close cooperation with DEA and that the FBI's expertise in such areas as organized crime, financial flow investigations and white collar crime be fully utilized in narcotics enforcement work.

Therefore, the FBI will focus its resources on drug investigations involving traditional organized crime families and violence-prone, non-traditional organized crime groups. The DEA

will focus its resources on the investigation of traditional drug organizations and international drug smuggling operations which do not fall within the FBI's area of responsibility. Where feasible, the FBI and DEA will buttress each other's investigative role with each agency's intelligence base and innate expertise. Nothing in the above delineation of roles will preclude either agency from coordinated selection of prioritized, mutual targets of opportunity.

2. Will DEA agents in some offices be reporting to FBI supervisors?

The Attorney General (AG) in delegating concurrent jurisdiction to the FBI relative to investigation of violations of the Controlled Substances Act mandated that DEA would continue to function as a single mission drug enforcement agency responsible for the enforcement of the Controlled Substances Act, Title 21, U. S. Code, in cooperation with the FBI.

Accordingly, DEA agents will continue to function and ultimately be responsible to the Administrator of DEA and not to the Director of the FBI or any member of the Bureau's administrative hierarchy. DEA agents will continue to adhere to those rules, regulations and procedures adopted and promulgated by the Administrator of DEA. However, the AG has mandated that the Administrator of DEA will function under the general supervision of the Director of the FBI, who, in turn, will report to the AG.

Question 3:

Do you expect that in some instances for example, like in Delaware, that DEA will close down its office and leave all drug enforcement responsibilities to FBI agents?

Answer:

The FBI has no current information regarding final plans that DEA may have concerning the closing of their offices. When plans are finalized, DEA and the FBI will certainly coordinate efforts to assure that narcotics enforcement responsibilities are met throughout the United States. It is suggested, however, that DEA is best suited to provide a detailed response to your specific question.

4. It is rumored that one of the reasons against abolishing DEA was concern that the FBI agents would have a difficult time gaining the same level of state and local law enforcement cooperation as DEA has developed. How do you plan to resolve this problem, particularly if the only agency working drug cases in some jurisdictions will be FBI agents?

The FBI has maintained that without the support and cooperation of state and local authorities, our mission would be tremendously difficult, if not impossible. We believe the rumor you are referring to is unfounded.

Historically, the FBI has always recognized the extremely important concept of police cooperation which is evidenced by the voluminous requests received at FBIHQ from around the nation seeking FBI expertise whether it be through our laboratory facilities, our Identification Division or our Technical Services Division.

The over 1,000 law enforcement managers from around the nation and around the world who attend the FBI National Academy at

Quantico, Virginia, annually can certainly attest to the Bureau's cognizance of the importance of FBI cooperation with local law enforcement.

We of the FBI believe that there is not any problem of cooperation between the FBI and local law enforcement officials and your observation that there may be "concern" in the future relative to a lack of cooperation should be alleviated.

5. The Attorney General has indicated that combining DEA and FBI efforts, without abolishing or merging the two agencies will augment the resources available to fight drug trafficking. Does this mean that the FBI plans to cut back attention in other areas, like organized crime, white collar crime, etc., in order to devote agent time to drugs?

The FBI has significantly increased its workload in narcotics-related investigations during the last year. Now, with our newly designated responsibilities, it appears that many of our other investigative priorities, which require a significant amount of resources, will be investigated if resources permit or placed on a "back burner" for an extended period of time until sufficient resources are available.

The Bureau is presently conducting an in-depth survey addressing the impact of concurrent jurisdiction of narcotics violations on our personnel and resources presently committed to other investigative activities. The objective of this research is to identify lower priority investigative programs that are presently utilizing resources that could be more appropriately concentrated on narcotics investigations.

C. IMPLEMENTING PROCEDURES FOR EXECUTIVE ORDER ON INTELLIGENCE

C. Implementing Procedures for Executive Order on Intelligence

President Reagan signed the new executive order on intelligence activities last December 8th. This order contains significant changes in the provisions governing collection of foreign intelligence from innocent Americans within the United States and raises a good opportunity for revising agency guidelines and procedures for sensitive FBI foreign counterintelligence activities. The FBI's use for counterintelligence purposes of physical searches and other intrusive investigative techniques, such as infiltration and undercover investigations, are governed largely by these implementing procedures and guidelines which are issued by both the Attorney General and the Bureau's Director.

Question 1:

Does the Bureau intend to consult with the Intelligence Committees before changes are made in the current counterintelligence guidelines?

Answer:

The FBI understands that it is the intention of the Department of Justice to continue the practice of giving both the House and Senate intelligence committees the opportunity to review any changes in the Attorney General's foreign counterintelligence guidelines before they go into effect.

Question 2:

Have any changes already been made in these guidelines?

Answer:

There have been no recent changes made in the foreign counterintelligence guidelines; the intelligence committees are aware of all previous changes.

Question 3:

To the extent which you can say publicly, what guidelines under the former E. O. cause operational difficulties and require change?

Answer:

There are currently no areas of our guidelines that were mandated by E. O. 12036 which have resulted in substantial operational difficulties requiring change. The guidelines underwent a revision in May of 1980, largely to conform them to the requirements of E. O. 12036 and a subsequent revision to correct a technical defect. The committees are aware of these amendments. The process is presently under way to conform the guidelines with those areas of E. O. 12333 which require change, but the basic thrust of the guidelines will not change.

D. NATIONAL CRIME INFORMATION

CENTER, INTERSTATE IDENTIFICATION INDEX

Question 1(a):

What safeguards have been developed to govern the creation of an Index Entry? Does an arrest without conviction trigger an initial entry? -- and, if so, do all arrests qualify including misdemeanor arrests, local ordinance violations, etc.?

Answer:

The present testing of the Interstate Identification Index (III) concept involves the use of the NCIC Computerized Criminal History (CCH) File with some modification. Creation of the operational III File requires a detailed design and about six months of programming by the FBI and the states. A development plan approved by the NCIC Advisory Policy Board is being used as a basis for the design. The plan calls for establishing Index records via the FBI Automated Identification Division System (AIDS). Records would be based on an arrest fingerprint card submitted to the FBI by a state repository. Records entered into AIDS and thus into III must meet the FBI's criteria for retention, i.e., the arrest must be for a serious and/or significant offense. In many instances, III records will be established before final disposition of the case since disposition frequently does not occur until months after the arrest.

Whether or not an III record remains on file following a disposition in favor of the arrestee depends on the jurisdiction in which the arrest takes place. Some states maintain conviction data only. Other states keep arrest records regardless of the final disposition; and there are various other combinations such as keeping all arrest data following the first conviction. The III records will be maintained according to the states' laws.

Question 1(b):

What safeguards have been developed to ensure that an index entry is purged when the criminal history records on which it is based is purged or sealed?

Answer:

The FBI is in the process of developing a detailed design for the next phase of III development. An assumption for the design is that a set of arrest fingerprints must be on file with the FBI for each Index record recorded in the III. The procedures for purging and sealing must take this into account to ensure that not only the Index record is purged, but that the arrest fingerprint card is also purged from the Identification Division files. Two approaches are being considered. With the first, the state of record will transmit a computerized message when the state record is expunged that would automatically expunge the index entry, and subsequently cause the arrest fingerprint to be expunged. With the second, a notice of the expungement will be mailed to the Identification Division causing the Identification Record to be expunged which would subsequently cause removal of the index record. In either event, a periodic synchronization (perhaps every 6 months) will take place between the national index and state records to guarantee that index records do not remain on file when the corresponding state record is purged.

Question 1(c):

What safeguards have been developed regarding access to the index? Is access to the Index to be limited strictly to criminal justice agencies? I understand that there is a pressing demand on the part of public, non-criminal justice agencies such as the Department of Defense, for access to criminal history data. State licensing boards, banks, securities brokers and a virtual army of public and private employers are likely to demand access to this Index. In some states, I'm told that more than half of the requests for criminal history data made to the California Department of Justice now come from public, non-criminal justice agencies. What is the Bureau going to do about that kind of demand?

Answer:

The present policy for accessing criminal history data in NCIC was recommended by the NCIC Advisory Policy Board and has been implemented by NCIC. Index records in the III File are governed by the same restrictions. The policy permits direct access, meaning the ability to access the NCIC computerized file, only under the management control of criminal justice agencies in the discharge of their official mandated responsibilities. Agencies permitted direct access include police departments responsible for enforcement of general criminal laws, prosecutors, courts with a criminal or equivalent jurisdiction, correctional departments, parole commissions, agencies which have as a principle function the collection of fingerprint identification information, state agencies which have as a sole function by statute the development and operation of a criminal justice information center, and regional or local governmental organizations established pursuant to statute which collect and process criminal justice information and whose governing boards have at least a majority composition of members representing criminal justice agencies.

Indirect access to NCIC criminal history records is available to all Federal agencies for their official use (Title 28, United States Code, Section 534), and authorized governmental agencies for the purpose of employment or licensing based on a specific state statute approved by the United States Attorney General (Public Law 92 - 544). Because of the variance in state laws, however, several of the six states participating in the first phase of III testing had difficulty in automatically providing state records for purposes other than criminal justice. For this reason, III records will be available only for criminal justice purposes during the first and second phases of III development. The availability of III records for employment or licensing purposes at some future date will depend on whether or not the states are willing and able to disseminate their records for those purposes.

Question 1(d):

What safeguards have been developed regarding the dissemination of Index information? If the Index information is given to a requestor who either does not or cannot obtain the underlying criminal history data from the state repository, there is a danger that adverse decisions will be made about individuals on the basis of the most incomplete and perfunctory kind of data -- the mere Index entry indicating some kind of record.

Answer:

Inasmuch as the III file will be used only for criminal justice purposes during the first two phases of development, there should be no instances where a state is not authorized to provide the record. Inquiries are edited by NCIC to insure the eligibility of the inquiring agency.

Whether or not an inquirer actually receives a state response cannot be guaranteed directly by the FBI since state responses are transmitted via the National Law Enforcement Telecommunications System, Inc., (NLETS) or by mail. The NLETS system is being used since the FBI is prohibited from "message switching" by an amendment to the Department of Justice Appropriations Bill. If an agency does not receive a state record, a subsequent request would probably be made directly to the state repository.

Question 1(e):

What about access to the actual state based criminal history data? Does the Bureau believe that each state should continue to make its own decision about such access, or will comprehensive access and dissemination standards be imposed on the states as a price for admission to the Triple I System?

Answer:

The III File is being developed in conjunction with the states to serve as a facilitating device for states to exchange records. One of the reasons expressed by the states for wanting to develop a III File is that they wanted to control dissemination of their records. Dissemination of records for criminal justice purposes, however, does not appear to be a problem. States in the III will be expected to furnish records to criminal justice agencies for criminal justice purposes; and the III will be used only for criminal justice purposes during at least the first two phases.

NCIC standards are not imposed on the states; they are developed and recommended by the states' policy making group, the NCIC Advisory Policy Board.

Question 2:

Apart from the civil liberties issues, what kind of outside review and governance process, if any, has the Bureau established for the Triple I and its test phase? What kinds of organizations are represented in this process and what role, what discretion, what projected life does this process have?

Answer:

The III File is being developed with oversight of the NCIC Advisory Policy Board. A responsibility of the Board is to recommend general policy concerning the philosophy, concept and operational principles of NCIC to the Director of the FBI. The Board is composed of top administrators from local, state and Federal criminal justice agencies throughout the United States. Twenty-six representatives from criminal justice agencies throughout the United States serve on the Board. Twenty members are elected by the users of NCIC, and six additional members are appointed by the Director of the FBI. Two of the six appointees represent the judiciary; two represent prosecutory agencies; and the remaining two represent correctional agencies. The Chairman of the Board must be one of the twenty elected members.

Due to the development requirements of the III File and the previous lack of state participation in the Computerized Criminal History File, the Chairman of the Board has formed an III Subcommittee and an III Evaluation Group. The III Subcommittee is composed of ten Board members representing local, state and Federal interests. This Subcommittee works very closely with the FBI NCIC Staff concerning project plans and III testing. Recommendations and approval are given for each development step. The III Evaluation Group was appointed by the Board Chairman with the following representation: Florida user, two user states other than Florida, Florida state bureau, FBI NCIC, FBI Identification Division, House Judiciary Committee, Senate Judiciary Committee, National Law Enforcement Telecommunications System, Inc., member of a Federal or state judiciary association, International Association of Chiefs of Police, Inc., National Sheriffs Association, National District Attorney's Association, American Correctional Association, American Civil Liberties Union, NAACP, and SEARCH Group, Inc. The FBI provides funds for meetings of the Evaluation Group and III Subcommittee, however, the Board Chairman gives the direction, specifies areas of responsibility and decides tenure according to the Board's desires. The III Evaluation Group was formed to provide comments concerning the first phase of III testing and make recommendations for proceeding with a subsequent phase. We would anticipate the III Evaluation Group will continue to advise the Board all during the III development; however the size and members of the group may be changed during different development phases to provide the necessary areas of expertise and views.

In addition to the NCIC Advisory Policy Board, III Subcommittee, and III Evaluation Group, the Board of Directors for the National Law Enforcement Telecommunications System, Inc., (NLETS) has been extremely cooperative in providing a representative(s) to work with the FBI on this project. Additionally, the oversight committees of the House and Senate have been routinely provided information for their comments as the III project has progressed.

Regarding the projected life of these processes, we look forward to the continued review and input from all these groups throughout the III development stages. The NCIC Advisory Policy Board is considered to be a permanent part of the NCIC management structure that will continue to recommend to the FBI general policy with respect to philosophy, concept, and operational principles of the NCIC.

Question 3:

What's the timetable; the sequence; and the projected cost of the Triple I? Does the Bureau intend to charge users for making access requests to the Index? If so, how much?

Answer:

The III Subcommittee of the NCIC Advisory Policy Board approved a long range plan for the development of the III in December, 1980. The III development plan originally called for four development phases.

- Phase I - Decentralization of single-state records of current Computerized Criminal History participating states.
- Phase II - Decentralization of single-state records of current non-participating states.
- Phase III - Decentralization of multistate records.
- Phase IV - Full implementation of III consisting of single-state and multistate records.

Since then, because of predicted problems in duplication of effort causing excessive time delays, Phase II and Phase III were consolidated.

Phase I of the III project began in June, 1981, using Florida, the major NCIC CCH participating state, to implement an

initial test of the technical aspects of the III concept. After the successful completion of the initial test, five additional states (CCH participants) were added to the III. The additional states are Michigan, North Carolina, South Carolina, Texas, and Virginia. Phase I testing is scheduled to continue until the end of March, 1982. Test results will be analyzed and the findings presented to the III Subcommittee, III Evaluation Group, NCIC Advisory Policy Board, and Congressional oversight committees for evaluation. If the evaluation is favorable, programming of an III File (Phases II and III) will start in July, 1982. Phases II and III will be implemented in December, 1982, with a limited number of states. Nationwide implementation would occur in 1983.

Fiscal impacts are being measured during Phase I testing to help project overall system costs. No cost projections have been made to date largely because the detailed design and operation of the III have not been finalized. The current test (Phase I) is a relatively low cost project utilizing existing NCIC and state files with relatively minor modifications.

Presently, no plans have been made to provide access to the III for other than criminal justice purposes. The FBI does not intend to charge criminal justice agencies for making III inquiries.

Question 4:

I understand that, so far, only the handful of states which actually participated in the computerized criminal history program are participating in the Triple I test. Why? and how will the number of states be expanded?

Answer:

Testing the III using records of current Computerized Criminal History (CCP) participants was determined to be the most cost-effective means to begin determining the technical and operational impacts of the decentralized concept. Since the criminal records of the current participants were already in the CCH File, only minor program changes were required to process them as III records. This test is considered to be the first phase of III development.

Expansion of the III to include additional states (Phase II) is in the planning process. First, however, a successful evaluation of Phase I must be concluded as well as notification to Congressional oversight committees. The Phase II design will be presented to the 49 states having central identification records, and states that are able will be asked to participate in the test. Several states will be able to meet the requirements for the Phase II test in the required time.

Question 5:

At present, the Bureau continues to maintain actual criminal history record information obtained from state and local agencies in a semi-automated form in the Identification Division. Does the Bureau intend to stop collecting and maintaining state and local criminal history data if the Triple I proves successful? If not, what's the point of Triple I?

Answer:

Presently, the FBI Identification Division maintains criminal history records in an automated file for recent offenders and in a manual file for records established prior to 1974. With the successful development of III, the FBI intends to stop collecting and maintaining state and local criminal history data other than a single set of fingerprint impressions necessary for positive identification. This concept is known as single-print submission. Single-print submission was also a part of the plan for the computerized criminal history program; but was never implemented because an insufficient number of states joined the program. Plans are to study this part of III later in the year to determine how many III states will be

needed to make single-print submission feasible, and to provide for its implementation. Probably, the FBI will stop collecting criminal history data from a number of states that operationally prove they can provide criminal history records in a responsive manner. At the same time, the FBI will continue to provide criminal history records for states that are incapable of III participation.

The III File will be useful, however, before single-print submission is implemented. The File will provide an immediate answer concerning the existence of a record, and will facilitate the rapid dissemination of records. This process currently takes a couple of weeks or more since routine inquiries are handled by mail.

QUESTIONS OF SENATOR LEAHY AND RESPONSES OF FBI DIRECTOR WEBSTER
ON ATLANTA YOUTH MURDERS

1. I believe you told the Congress that the Bureau had a "tenuous" jurisdiction under the federal kidnapping statutes and the Justice Department concluded there was "no basis for a civil rights investigation." On what basis did the Federal Government have the authority to investigate the Atlanta slayings?

Question 1 Response:

As of 11/6/80, 15 black children from the metropolitan Atlanta area had been included in the missing and murdered children list; however, eleven of these children had already been discovered murdered within the metropolitan Atlanta area. The FBI was authorized and requested by former Attorney General Benjamin R. Civiletti on 11/6/80 to initiate an immediate preliminary investigation to determine whether the missing children were being held in violation of the Federal Kidnaping Statute, Title 18, United States Code, Section 1201. In connection with the investigation, the FBI was, of necessity, required to examine the circumstances surrounding the disappearance of the children whose bodies had been recovered.

2. Why was the FBI unable to enter the investigation initially due to lack of jurisdiction, but able to enter later with no apparent change in the facts regarding jurisdiction?

Question 2 Response:

The determination of whether the FBI has a jurisdictional basis to investigate a possible kidnaping matter rests upon the factual situation of the individual case. The Task Force investigation substantiated the theory that the eleven children were murdered soon after their abduction and that interstate transportation of the children was not involved. The remaining four cases were apparently related to the other eleven cases and it was considered that these victims had also been slain and not transported interstate. It was the opinion of our Atlanta Division and former United States Attorney William Harper, Northern District of Georgia, that the FBI lacked a jurisdictional basis for active investigation. Former Attorney General Civiletti, however, determined on 11/6/80 that active FBI investigation was required to establish this fact and instructed the FBI to enter the investigation.

3. Did the FBI enter the case, as some have suggested, simply because the Atlanta slaying had become an issue "national" in scope and effect -- a "national crime disaster area" -- irrespective of a sound jurisdictional basis?

Question 3 Response:

The FBI actively entered the investigation because the Attorney General of the United States instructed such an investigation predicated upon the Federal Kidnaping Statute.

4. When U.S. Attorney General Benjamin Civiletti "ordered" the FBI, as well as the Justice Department, to offer their full cooperation to the Atlanta police, did he in effect "order" the FBI to exceed its traditional jurisdiction?

Question 4 Response:

While the Atlanta Division was satisfied through review of the Task Force investigation that a violation of the Federal Kidnaping Statute did not exist as of 11/6/80, the Attorney General's directive to conduct a preliminary investigation was not contrary to FBI policy.

5. Why was the federal response in Atlanta, particularly that of the FBI, so slow in coming?

Question 5 Response:

The FBI cannot speak for all "federal response" in Atlanta. Our Atlanta Division had offered and was providing all assistance considered permissible to the Atlanta local authorities prior to 11/6/80. Upon the Attorney General's 11/6/80 instructions that the FBI enter the missing and murdered children investigation, the FBI immediately initiated a major case investigation dedicating 25 Agents thereto on a full-time basis at Atlanta.

6. The technical assistance of two investigators (specifically the services of a special agent who is an expert in the development of behavioral profiles and an FBI agent who is a specialist in the development of visual investigation aid systems) was offered to the city on November 6, 1980. At some point in very late 1980 or early 1981, a decision was made to send in more assistance. (By February 11, 1981, "some 26 FBI agents" had been assigned to "work with" Atlanta's 35-member special task force.) Who made that decision, at what time, and when did additional help actually arrive in Atlanta?

Question 6 Response:

On 11/7/80, the Atlanta Division began developing guidelines for the investigation and dispatched four Agents to the

Task Force to conduct a page-by-page review of all investigation previously conducted. This review was conducted during the week of 11/10-14/80, and all investigative plans were formulated by 11/14/80. The FBI assigned 25 Agents to the investigation on a full-time basis on 11/17/80. The decision to dedicate substantial investigative resources was made by FBI Headquarters.

7. At some point, the FBI "assistance" in Atlanta developed into an independent investigation running on parallel, and sometimes counter, tracks to the local efforts. At what point did the "assistance" burgeon into a full investigation? Can you provide some idea -- the number of agents and the dates on which they became active in the investigation -- of how the investigation force grew?

Question 7 Response:

Prior to 11/6/80, the FBI had offered laboratory and technical assistance to the local police authorities and had designated one Agent to act as liaison with the local authorities pertaining to their requests for these services. Active investigation utilizing 25 Agents began 11/17/80. At one point, as many as 46 Agents were assigned on a full-time basis, this being during the period of the bridge surveillance in the spring of 1981. During the investigation, additional support personnel were assigned to the Atlanta Division from FBI Headquarters and other field divisions. The expertise of the Laboratory Division, Technical Services Division, Training Division and Identification Division was utilized throughout the investigation. The Investigative Support Information System which involved the computerization of all investigative information was used in the investigation, as well as the Visual Investigative Analysis resource.

The FBI's investigation never ran "counter" to the Task Force investigation, although the FBI's efforts were at times devoted to areas other than those into which the Task Force was inquiring. For instance, FBI investigations were conducted in all states except Alaska and Hawaii, which of course exceeded the jurisdiction of the local Atlanta authorities.

8. Once the FBI became committed to the situation in Atlanta, their investigation proceeded on a separate track from that of the Special Task Force which was made up of local law enforcement officials. Who made the initial decision that the FBI not be a part of the Special Task Force?

Question 8 Response:

The Atlanta Division, after a review of the status of the local investigation during the week of 11/10-14/80, determined that FBI Agents would not become an integral part of the Task Force. At times, FBI Agents worked hand in hand with Atlanta police officers and on other occasions, due to the scope of the FBI's investigation, worked separately.

9. Is it possible that the very structure of the investigation -- simultaneous inquiries by two independent investigating groups -- fostered much of the difficulty encountered in the investigation? Wouldn't such an arrangement hinder communications, increase the risk of duplicated effort, reduce the chance of apparently unrelated information "coming together" in the process of an integrated investigation, and in other ways fetter the often slow and piecemeal development of a successful investigation?

Question 9 Response:

The "independent" investigation by the FBI did not foster investigative difficulties. To insure that no investigation was duplicated other than when necessary and to guarantee the "coming together" of all investigative information, the Atlanta Division assigned one experienced Agent, totally familiar with all investigation conducted by the FBI, to review on a daily basis all investigation conducted by the Task Force. Extensive daily contact was maintained between the Task Force Commander and the Atlanta FBI Office Supervisor responsible for the investigation.

10. Was the two track investigation in fact preferable in the beginning or did other factors determine the structure of the investigation? Was the FBI unwilling to be integrated into the Special Task Force or was there an inability or unwillingness to integrate the FBI into the Special Task Force?

Question 10 Response:

While the FBI conducted its investigation independently of the Task Force, a "two track" approach did not exist. FBI investigative policy and procedure differed from that of the Task Force and as such precluded the FBI's total integration with the Task Force.

11. You were criticized for your announcement that four of the child murders were "substantially solved" at a time when Atlanta police said that they were not aware that any case was near resolution. Could this have been avoided by having had the FBI integrated into the Task Force? Similar criticism occurred following statement by an FBI agent not assigned to the case at a Macon, Georgia, Civic Club meeting that four of the children had been killed by their parents because they were considered "nuisances."

Question 11 Response:

As previously indicated, it was essential that the FBI conduct its investigation into the Atlanta slayings separately and autonomously, but in close coordination with those other agencies having a legitimate investigative interest. Criticism for comments made could not have been avoided by integrating the FBI into Atlanta's Task Force.

The circumstances surrounding comments made, without prior authorization, by an FBI Special Agent in April, 1981, before a Macon, Georgia, civic group, as well as comments made concerning the investigation by an FBI Special Agent in June, 1981, before a professional association in Hampton, Virginia, were investigated internally by the Bureau's Office of Professional Responsibility, and appropriate administrative action was taken in order to preclude recurrences.

12. Regardless of their effect on the actual investigation, don't such statements undermine public confidence that law enforcement officials are dealing adequately with these highly publicized cases?

Question 12 Response:

The statement attributed to me was in response to a press question about the progress of the investigation after several months and whether all of the murders were attributable to the same source. My response was intended to reflect sufficient progress by law enforcement in identifying and substantially resolving cases which were believed to be unrelated to a mass murderer. I thought my choice of words distinguished between investigative progress and prosecutable cases. Unfortunately, this was misunderstood in some quarters but it was immediately resolved and did not hinder the investigation. A supportive editorial in the Atlanta Journal-Constitution on 4/18/81 puts this in perspective. A copy of that editorial is attached.

Making Good Sense

It would be tragic indeed if these dozens of dedicated people trying to solve the cases of the string of slain youngsters in Atlanta became divided and distracted so much that their effectiveness was reduced. This is a time to stick together. And in that regard, FBI Director William Webster was right to move toward smoothing over the flap that arose between city officials and the FBI.

Webster thought he was being helpful when talking candidly with reporters about the progress of the investigation. He said some things local officials had chosen not to say. Mayor Maynard Jackson and Public Safety Commissioner Lee Brown got into the act, essentially saying it would have been better if Webster had not said all of what he said.

Then the ball was in Webster's court and he chose the right way

to handle it. Webster said the flap was due to "momentary tensions that occur from time to time" between federal and local investigators on the cases. That is understandable.

The FBI director said, when it is all over and the persons responsible are brought to justice, he hopes "this joint effort will emerge as one of the best examples of local, state and federal efforts to meet a specific violent crime problem."

It is that kind of judgment and foresight that makes us proud that Webster is at the helm of the FBI. What he says is right. But a lesser man might have gone off in another direction, escalating a war of words.

The important thing now is to solve these cases. If a look into the way the investigation was handled is needed, it can come later.

13. Do you believe there is any validity to the criticisms raised against the FBI concerning the conduct of the investigation from May 22 to June 21, 1981?

Question 13 Response:

We are not aware of the specific criticisms mentioned here; however, if these references relate to the Agents' immediate actions after stopping Mr. Williams near the bridge, then the FBI believes that the law enforcement officers acted properly. Much media attention has been focused on why Mr. Williams' vehicle was not seized when he was initially stopped. These officers did not then believe they had probable cause for such a seizure. I believe their actions were proper and legal.

There was also a great deal of speculation concerning the length of time before Mr. Williams' arrest. Mr. Williams was arrested only after local prosecutors believed they had sufficient evidence to support not only an arrest warrant, but a successful prosecution.

14. Is there any internal investigation underway of possible FBI misconduct? If such an internal review is complete, were any problems discovered?

Question 14 Response:

As previously set forth in Response 11, there were two internal inquiries concerning public statements made by FBI employees. There is not, nor has there been, any other internal inquiry concerning the actions of FBI employees in this investigation.

15. Was the investigation of Mr. Williams, especially the occurrences immediately following the incident at the bridge less than a first-rate job in your estimation?

Question 15 Response:

The investigation conducted by the FBI and local authorities as concerns Wayne B. Williams, including the 5/22/81 James Jackson parkway bridge occurrence, was thorough and supportive of the charges eventually levied against Williams.

16. Do you think it was appropriate for the FBI to press for an arrest in the case before local prosecutors felt they were ready?

Question 16 Response:

By 6/3/81, it was apparent that Wayne B. Williams had determined he was under surveillance. Therefore, search warrants obtained from state court judges were executed and Williams was interviewed at the Atlanta FBI Office. Present at the Atlanta FBI Office during this period were the two Assistant United States Attorneys assigned to the case. In their opinion, sufficient evidence existed to charge Williams with the murder of Nathaniel Cater and, had this murder allowed Federal jurisdiction, they would have authorized charging Williams. In the subsequent three weeks before state murder charges were lodged, surveillance was maintained on Williams to preclude further victimization.

17. Finally, a high level official on the Special Task Force was quoted in the New York Times last July as saying, "The FBI wanted to solve the case themselves." "They wanted all the credit, but instead they have made it more difficult to resolve the guilt or innocence of the suspect." What can we do and what can you do to minimize the rivalries, which can disrupt investigations, if the Federal Government is going to get involved more heavily in crimes, which in the past have been left to state and local authorities?

Question 17 Response:

The FBI is not aware of the "high level official" who was allegedly quoted by the "New York Times."

As was done in this investigation, it is recommended that close coordination be established at all levels of an investigation between the local law enforcement authorities and FBI personnel. Disagreements pertaining to investigative approaches can be discussed and resolved in a professional manner. In this particular case, it

is recognized by Task Force officials that the FBI's presence in the investigation substantially contributed to its earlier solution.

18. You recently responded to an inquiry I made last summer concerning certain allegations surrounding FBI agency misconduct on the Pine Ridge Indian Reservation. While your response was very forthcoming concerning the details of the allegations, the overall response seems to draw no conclusion from the pattern of activities which were occurring with respect to Indian matters during the mid-1970's. While it is plausible to believe that Special-Agent-In-Charge Trimbach, did forget about the wiretap application, and didn't know that Mr. Hurd had agreed to a polygraph of Mr. Moves Camp, and perhaps Mr. Hurd did forget to turn over to defense lawyers Jencks material provided to him by the FBI, I was still left with the feeling that things were out of control during those days. Was the FBI exerting sufficient management control over its agents on the Pine Ridge Reservation during those events?

Question 18 Response:

During the spring of 1973 and the summer of 1975, there was considerable unrest on the Pine Ridge Reservation; however, the FBI was exerting sufficient management control over its Agents. As an example, during the Wounded Knee situation in 1973 six additional Special Agents in Charge (SACs) and five Assistant Special Agents in Charge (ASACs), from nearby field offices, assisted from time to time in the management and direction of this investigation. In addition, six field squad supervisors, five of whom were from the Minneapolis Division Office, assisted in a management role to insure proper direction at the ground level.

In the summer of 1975 when Agents Coler and Williams were murdered, the Minneapolis SAC and a squad supervisor were present the day of the murders and following days to exert sufficient management control. Another SAC from a nearby field office and three FBIHQ supervisors, plus three Minneapolis field squad supervisors and one other field squad supervisor, also assisted in the control of the investigation.

19. In response to another issue, you stated in your report to me that with respect to the investigations of the deaths of Special Agents Coler and Williams, the Department had received various allegations but had not "received any specific information or allegations which had indicated that the FBI conducted any unlawful searches or conducted the investigation as a reprisal or vendetta." Your August 1979 letter to Civil Rights Commission Chairman Flemming also refers to various general charges of agency misconduct at the Pine Ridge Reservation but to no specific allegations. In light of those statements, I wish again to ask you a question posed in my letter, but not directly answered by your response. Have you, since becoming Director of the FBI, taken any steps to ensure that the constitutional rights and liberties of persons living on Indian Reservations are protected?

Question 19 Response:

I have always been impressed with the FBI's concerns for the constitutional rights of all citizens and I have seen nothing in my tenure as Director that changes my opinion in that regard. However, in order to emphasize these concerns we continue to provide specialized training to our Agents in Indian matters. In April, 1980, a Cross-Cultural Training Seminar was held in our Minneapolis Division. Special Agents from that division attended in addition to representatives from the U.S. Marshals Service, Bureau of Indian Affairs (BIA), and the United States Attorney's Office in Minneapolis. The seminar utilized a renowned anthropologist who also instructs Canadian law enforcement agencies in Indian matters. In October, 1981, another Cross-Cultural Seminar was held for Agents working on Indian reservations, at our Academy in Quantico, Virginia, in which leading Indian and BIA representatives participated. The curriculum of this seminar included the subject of Indian constitutional rights and liberties. Another seminar is tentatively scheduled later this year.

It should be noted that in 1979 I initiated the development of a proposed Memorandum of Understanding between the Department of Justice and the Department of Interior which related to the roles of the Departments during periods of civil disorder on Indian reservations. This Memorandum was executed in January, 1981, and delineated the responsibilities of these agencies to include command and control channels and general procedures. In essence, the FBI will investigate any civil disorder on an Indian reservation after other agencies have brought law and order to the community.

During the week of 1/25/82, my staff also met and participated in a conference with the National American Indian Court Judges Association, during which Indian constitutional rights and liberties were a major topic of discussion and concern.

A representative of my General Government Crimes Unit has recently visited the Pine Ridge, Rosebud, Red Lake, Pueblo, and Navajo Reservations and found a positive and cooperative attitude within these reservations. The tribal leaders and BIA representatives have acknowledged the professional and valued relationship they have with the FBI and described their dependency on its objective law enforcement efforts.

In addition, this Unit has established an almost daily contact with the BIA officials to insure full cooperation and assistance in their operational activities. In this regard, emphasis is placed on the constitutional rights and liberties of the people living on the Indian reservations. The most recent meeting my staff had with BIA took place on 2/23/82, in which the tribal authorities of the Pine Ridge Reservation were present, as well as representatives of the Bureau of Prisons.



FBI OVERSIGHT HEARING

ERRATA SHEET

Page 9, fifth paragraph, last line, change last figure "43" to "42".

Page 11, third paragraph, second line, "43 terrorist events" should be "42 terrorist events".

Page 11, fourth paragraph, fourth line, "16 out of the 42 or 43 events" should read "16 out of the 42 events".

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